

STAVROS ORSARIS 30(b)(6)30(b) 1
 FARAH J. FRANCOIS vs VICTORY AUTO GROUP LLC

November 23, 2022

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<p style="text-align: right;">Page 1</p> <p>1 2 UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK 3 -----X 4 FARAH JEAN FRANCOIS, 5 Plaintiff, 6 -against- Case "No.": 1:22-cv-4447-JSR 7 VICTORY AUTO GROUP LLC d/b/a VICTORY MITSUBISHI, SPARTAN 8 AUTO GROUP LLC d/b/a VICTORY MITSUBISHI, STAVROS ORSARIS, 9 YESSICA VALLEJO, DAVID PEREZ, DIANE ARGYROPOULOS, and 10 PHILIP ARGYROPOULOS, 11 Defendants. 12 -----X 13 14 REMOTE DEPOSITION of STAVROS ORSARIS, a 15 30(b)1 and 30(b)(6) witness herein, witness 16 located in the Law Office of Nicholas Goodman, 17 held on November 23, 2022, commencing at 10:00 18 a.m., and before Helene Gruber, a certified 19 shorthand reporter and notary public within and 20 for the state of New York. 21 22 23 24 25</p>	<p style="text-align: right;">Page 3</p> <p>1 2 3 S T I P U L A T I O N S 4 5 IT IS HEREBY STIPULATED AND AGREED, 6 by and between the attorneys for the respective 7 parties, as follows: 8 All objections, except as to the form 9 of the questions, shall be reserved to the time 10 of the trial. 11 The within examination may be signed 12 and sworn to before any Notary Public with the 13 same force and effect as if signed and sworn to 14 before the court. 15 Filing of the original transcript of 16 the examination is waived. 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 2</p> <p>1 2 A P P E A R A N C E S : 3 4 THE LAW OFFICE OF AHMAD KESHAVERZ 5 Attorneys for Plaintiff 6 16 Court Street, #2600 7 Brooklyn, New York 11241 8 BY: EMMA CATERINE, ESQ. 9 AHMAD KESHAVERZ, ESQ. 10 11 NICHOLAS GOODMAN & ASSOCIATES 12 Attorneys for Defendants 13 333 Park Avenue South 14 New York, New York 10010 15 BY: NICHOLAS GOODMAN, ESQ. 16 PATRICK SELVEY, ESQ. 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 S. Orsaris 2 (The parties stipulate to the witness 3 being sworn in remotely.) 4 COURT REPORTER: Please state your 5 name and business address. 6 THE WITNESS: Stavros Orsaris, 4070 7 Boston Road, Bronx, New York 10475. 8 STAVROS ORSARIS, 9 Having first been duly sworn, was examined and 10 testified as follows: 11 EXAMINATION 12 BY MS. CATERINE: 13 Q. Mr. Orsaris, thank you for your time 14 today. Could you please state your full name 15 for the record? 16 A. Stavros Orsaris. 17 Q. Have you ever gone by any other names 18 or aliases? 19 A. No. 20 Q. Have you ever had your deposition 21 taken before? 22 A. No. 23 Q. Have you ever testified in a court 24 hearing before? 25 A. No.</p>

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<p style="text-align: right;">Page 5</p> <p>1 S. Orsaris</p> <p>2 Q. Have you ever testified in an</p> <p>3 administrative hearing before?</p> <p>4 A. No.</p> <p>5 Q. If you don't understand a question,</p> <p>6 will you please ask me to rephrase the</p> <p>7 question?</p> <p>8 A. Yes, no problem.</p> <p>9 Q. If I ask you a question and you don't</p> <p>10 ask me to rephrase the question, is it</p> <p>11 reasonable to assume that you understood the</p> <p>12 question?</p> <p>13 MR. GOODMAN: Object to the form.</p> <p>14 You could answer.</p> <p>15 A. If I don't ask to rephrase it, then I</p> <p>16 don't need it rephrased.</p> <p>17 Q. During the course of the deposition,</p> <p>18 as you just heard, your attorney may be making</p> <p>19 certain objections such as objection to form.</p> <p>20 Unless instructed not to answer, you are still</p> <p>21 required to answer the question. Do you</p> <p>22 understand?</p> <p>23 A. Yes.</p> <p>24 Q. And will you please orally answer all</p> <p>25 questions, not nod or make remarks like uh-huh</p>	<p style="text-align: right;">Page 7</p> <p>1 S. Orsaris</p> <p>2 in?</p> <p>3 A. New York City.</p> <p>4 Q. Do you live in the borough of</p> <p>5 Manhattan?</p> <p>6 A. Yes.</p> <p>7 Q. What steps did you take in</p> <p>8 preparation for your deposition today?</p> <p>9 A. I met with my attorney last</p> <p>10 Wednesday.</p> <p>11 Q. And when you say your attorney, are</p> <p>12 you referring to Nicholas Goodman?</p> <p>13 A. Yes.</p> <p>14 Q. Did you review any documents in</p> <p>15 preparation for your deposition today?</p> <p>16 A. Yes.</p> <p>17 Q. What documents did you review?</p> <p>18 A. The documents that had been submitted</p> <p>19 by both sides.</p> <p>20 Q. Do you understand that today you are</p> <p>21 testifying both as yourself and as the 30(b)(6)</p> <p>22 representative of Spartan Auto Group LLC?</p> <p>23 A. Yes.</p> <p>24 Q. What is your understanding of what it</p> <p>25 means to testify as a 30(b)(6) witness for</p>
<p style="text-align: right;">Page 6</p> <p>1 S. Orsaris</p> <p>2 so there is a clear transcript for the court</p> <p>3 reporter?</p> <p>4 A. Of course.</p> <p>5 Q. And that is a great example of an</p> <p>6 oral answer.</p> <p>7 How old are you, Mr. Orsaris?</p> <p>8 A. Twenty-eight.</p> <p>9 Q. What is your date of birth?</p> <p>10 A. XX-XX-1994.</p> <p>11 Q. How tall are you?</p> <p>12 A. 5'7.</p> <p>13 Q. And how much do you weigh?</p> <p>14 A. 165 pounds.</p> <p>15 Q. Were you about that weight in May of</p> <p>16 2020?</p> <p>17 A. Yes.</p> <p>18 Q. I see that you have a shaved head at</p> <p>19 the moment. Did you have hair in May of 2020?</p> <p>20 A. No.</p> <p>21 Q. Where do you currently reside?</p> <p>22 MR. GOODMAN: Objection. We gave a</p> <p>23 business address. You don't need the</p> <p>24 residential address.</p> <p>25 Q. What county do you currently reside</p>	<p style="text-align: right;">Page 8</p> <p>1 S. Orsaris</p> <p>2 Spartan Auto Group LLC?</p> <p>3 MR. GOODMAN: Object to the form.</p> <p>4 You can answer if you understand.</p> <p>5 A. I don't understand.</p> <p>6 Q. Did you speak with anyone else</p> <p>7 besides Mr. Goodman in preparation for your</p> <p>8 deposition today?</p> <p>9 A. No.</p> <p>10 Q. What is your understanding of this</p> <p>11 lawsuit?</p> <p>12 MR. GOODMAN: Object to the form.</p> <p>13 You can answer if you understand.</p> <p>14 A. I don't understand.</p> <p>15 Q. Sure. Let me rephrase the question.</p> <p>16 Do you know what you are going to be testifying</p> <p>17 about today?</p> <p>18 A. Yes.</p> <p>19 MR. GOODMAN: Object to the form.</p> <p>20 Q. You might want to pause so that your</p> <p>21 attorney can make objections before you state</p> <p>22 your answer just so we have a clear transcript.</p> <p>23 MR. GOODMAN: Thank you, yes. That's</p> <p>24 appropriate. Do that.</p> <p>25 Q. And I believe your answer was "yes,"</p>

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<p style="text-align: right;">Page 9</p> <p>1 S. Orsaris</p> <p>2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. What is your understanding?</p> <p>5 A. I don't have the most thorough</p> <p>6 understanding.</p> <p>7 Q. That's all right. I just want your</p> <p>8 understanding.</p> <p>9 MR. GOODMAN: Understanding about</p> <p>10 what? I'm sorry. What was the question?</p> <p>11 Understanding about this lawsuit?</p> <p>12 MS. CATHERINE: That's right.</p> <p>13 MR. GOODMAN: Go ahead.</p> <p>14 A. A potential allegation about an FCRA</p> <p>15 violation.</p> <p>16 Q. Do you understand that this case is</p> <p>17 about the sale and financing of a vehicle in</p> <p>18 the name of Farah Jean Francois?</p> <p>19 A. Yes.</p> <p>20 Q. And prior to your preparation for the</p> <p>21 deposition in this case, had you reviewed any</p> <p>22 of the documents related to this case?</p> <p>23 MR. GOODMAN: Object to the form. Go</p> <p>24 ahead.</p> <p>25 A. I didn't review any additional</p>	<p style="text-align: right;">Page 11</p> <p>1 S. Orsaris</p> <p>2 MR. GOODMAN: Object to form. Go</p> <p>3 ahead.</p> <p>4 A. Screenshots and emails -- I mean my</p> <p>5 emails with screenshots, to my understanding.</p> <p>6 Q. So you didn't search for emails?</p> <p>7 A. That's not what I am saying. I had</p> <p>8 nothing in my email.</p> <p>9 Q. So you searched your emails and there</p> <p>10 was nothing relating to this case; is that</p> <p>11 correct?</p> <p>12 A. Correct.</p> <p>13 Q. When you said you searched emails,</p> <p>14 are you referring to your email at the</p> <p>15 dealership?</p> <p>16 A. Yes.</p> <p>17 Q. What is that email address?</p> <p>18 A. My first name at Mitsubishi.com,</p> <p>19 Stavros@mitsubishi.com.</p> <p>20 Q. What other emails were searched in</p> <p>21 relation to this case?</p> <p>22 A. No other emails were searched.</p> <p>23 Q. Have you searched for text messages</p> <p>24 in relation to this case?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 10</p> <p>1 S. Orsaris</p> <p>2 documents prior to my preparation for this</p> <p>3 deposition.</p> <p>4 Q. Would that include electronic</p> <p>5 documents like computer screens such as for the</p> <p>6 computer program Dealertrack?</p> <p>7 A. I don't understand the question.</p> <p>8 Q. Sure. Let me rephrase. In</p> <p>9 preparation for your deposition today, did you</p> <p>10 look at any computer screens such as for the</p> <p>11 program Dealertrack?</p> <p>12 A. No.</p> <p>13 Q. Have you searched for documents in</p> <p>14 relation to this case?</p> <p>15 MR. GOODMAN: Object to the form.</p> <p>16 You can answer.</p> <p>17 A. Yes.</p> <p>18 Q. And you produced those documents to</p> <p>19 your attorney, Mr. Goodman, correct?</p> <p>20 MR. GOODMAN: Object to the form. Go</p> <p>21 ahead.</p> <p>22 A. Yes.</p> <p>23 Q. And did those documents include</p> <p>24 electronic documents such as screenshots and</p> <p>25 emails?</p>	<p style="text-align: right;">Page 12</p> <p>1 S. Orsaris</p> <p>2 Q. I want you to take a look at what was</p> <p>3 previously marked as Exhibit 25 Bates stamped</p> <p>4 Defendants' 70 through 72. The Bates stamp is</p> <p>5 a little small so that is a little hard to see,</p> <p>6 but it is screenshots of text messages on an</p> <p>7 iPhone.</p> <p>8 A. Okay, I have those.</p> <p>9 Q. And were these the text messages that</p> <p>10 were located in your search for text messages</p> <p>11 in relation to this case?</p> <p>12 A. Yes.</p> <p>13 Q. And are these from your personal cell</p> <p>14 phone?</p> <p>15 A. Yes.</p> <p>16 Q. And what is your cell phone number?</p> <p>17 A. (347)593-4394. My personal cell</p> <p>18 phone is also used for work. I only have one</p> <p>19 phone number.</p> <p>20 MR. KESHAVARZ: Can you say that</p> <p>21 again?</p> <p>22 THE WITNESS: (347)593-4394.</p> <p>23 Q. Was that cell phone provided to you</p> <p>24 by Victory Mitsubishi?</p> <p>25 A. No.</p>

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<p style="text-align: right;">Page 13</p> <p>1 S. Orsaris</p> <p>2 Q. Who is the cell phone provider?</p> <p>3 A. Verizon.</p> <p>4 Q. Does Victory Mitsubishi pay for the</p> <p>5 bills related to the cell phone usage?</p> <p>6 A. No.</p> <p>7 Q. So it is a personal cell phone; you</p> <p>8 just use it for work as well as for personal?</p> <p>9 A. Yes.</p> <p>10 Q. Were there any other text messages</p> <p>11 related to this case with this cell phone?</p> <p>12 MR. GOODMAN: Object to the form. Go</p> <p>13 ahead if you understand it.</p> <p>14 A. No.</p> <p>15 Q. You didn't text Philip Argyropoulos</p> <p>16 about this case?</p> <p>17 MR. GOODMAN: Over my objection, go</p> <p>18 ahead.</p> <p>19 A. No.</p> <p>20 Q. You didn't text Diane Argyropoulos</p> <p>21 about this case?</p> <p>22 MR. GOODMAN: Objection. Go ahead.</p> <p>23 A. No.</p> <p>24 Q. Did you text Chris Orsaris about this</p> <p>25 case?</p>	<p style="text-align: right;">Page 15</p> <p>1 S. Orsaris</p> <p>2 MR. GOODMAN: Note my objection. Go</p> <p>3 ahead.</p> <p>4 A. Not at the moment.</p> <p>5 Q. You have in the past?</p> <p>6 MR. GOODMAN: Objection. Is that a</p> <p>7 question?</p> <p>8 Q. Have you had it in the past?</p> <p>9 A. Maybe 2017 and 2018.</p> <p>10 Q. Do you have any other messaging apps</p> <p>11 on your phone such as Signal?</p> <p>12 A. No.</p> <p>13 Q. Telegram?</p> <p>14 A. No.</p> <p>15 Q. Have you searched your telephone</p> <p>16 records and bills for dates of calls related to</p> <p>17 this case?</p> <p>18 A. Yes.</p> <p>19 Q. Have those records been produced?</p> <p>20 MR. GOODMAN: Object to the form.</p> <p>21 Produced by whom to whom? I don't understand</p> <p>22 the question.</p> <p>23 Q. Have those records been produced to</p> <p>24 your attorney, Mr. Goodman?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 14</p> <p>1 S. Orsaris</p> <p>2 MR. GOODMAN: Objection. Go ahead.</p> <p>3 A. No.</p> <p>4 Q. Did you text David Perez about this</p> <p>5 case?</p> <p>6 MR. GOODMAN: Objection. Go ahead.</p> <p>7 A. No.</p> <p>8 Q. And I think I know the answer, but</p> <p>9 did you text Yessica Vallejo about this case?</p> <p>10 MR. GOODMAN: Objection. Go ahead.</p> <p>11 A. No.</p> <p>12 Q. In addition to the email you</p> <p>13 mentioned earlier -- I believe it is</p> <p>14 Stavros@victorymitsubishi.com; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. In addition to that email, do you use</p> <p>17 any other emails in relation to your work at</p> <p>18 Mitsubishi?</p> <p>19 A. No.</p> <p>20 Q. Are emails to</p> <p>21 Stavros@victorymitsubishi.com forwarded to any</p> <p>22 other email in-boxes?</p> <p>23 A. No.</p> <p>24 Q. Do you have the application WhatsApp</p> <p>25 on your cell phone?</p>	<p style="text-align: right;">Page 16</p> <p>1 S. Orsaris</p> <p>2 MS. CATERINE: I call for the</p> <p>3 production of those records, please.</p> <p>4 MR. GOODMAN: Take it under</p> <p>5 advisement.</p> <p>6 Q. Do you recall when the phone calls</p> <p>7 were that were in relation to this case?</p> <p>8 A. Yes.</p> <p>9 Q. Around when were those phone calls?</p> <p>10 A. From my cell phone?</p> <p>11 Q. Correct.</p> <p>12 A. In September.</p> <p>13 MR. GOODMAN: Of what year?</p> <p>14 THE WITNESS: Of 2020.</p> <p>15 Q. Mr. Orsaris, did you graduate from</p> <p>16 high school?</p> <p>17 A. Yes.</p> <p>18 Q. Where did you go to high school?</p> <p>19 A. I spent time at Manhasset High School</p> <p>20 and graduated from Bayside High School.</p> <p>21 Q. When did you graduate?</p> <p>22 A. In 2012.</p> <p>23 Q. What was the reason why you changed</p> <p>24 high schools?</p> <p>25 A. Move.</p>

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<p style="text-align: right;">Page 17</p> <p>1 S. Orsaris</p> <p>2 Q. Do you have any post high school</p> <p>3 education?</p> <p>4 A. Yes.</p> <p>5 Q. Did you go to college?</p> <p>6 A. Yes.</p> <p>7 Q. Where did you go to college?</p> <p>8 A. Baruch College.</p> <p>9 Q. Did you graduate?</p> <p>10 A. Yes.</p> <p>11 Q. What was your degree in?</p> <p>12 A. I have a bachelor's in finance and</p> <p>13 investments.</p> <p>14 Q. Did you go to any school after you</p> <p>15 graduated from Baruch College?</p> <p>16 A. No.</p> <p>17 Q. What year did you graduate?</p> <p>18 A. 2016.</p> <p>19 Q. What did you do after you graduated</p> <p>20 from Baruch College?</p> <p>21 A. I was working as an export finance</p> <p>22 consultant.</p> <p>23 Q. Where were you working?</p> <p>24 A. At a consulting firm called CC</p> <p>25 Solutions.</p>	<p style="text-align: right;">Page 19</p> <p>1 S. Orsaris</p> <p>2 Q. Where was your next job?</p> <p>3 A. At a Mitsubishi store in Larchmont,</p> <p>4 New York.</p> <p>5 Q. What did you do there?</p> <p>6 A. Automotive retail sales.</p> <p>7 Q. What was your title?</p> <p>8 A. I was a manager. I started in sales</p> <p>9 but became a manager.</p> <p>10 Q. And you may have said this before,</p> <p>11 but when did you start there?</p> <p>12 A. Summer of 2016.</p> <p>13 MR. GOODMAN: '16 or '17?</p> <p>14 THE WITNESS: '16.</p> <p>15 Q. And when did you stop working there?</p> <p>16 A. I was transferred to the Bronx store,</p> <p>17 Victory Auto Group, in November 2016.</p> <p>18 Q. And that's where you currently work,</p> <p>19 correct?</p> <p>20 A. I do not work for Victory Auto Group,</p> <p>21 no.</p> <p>22 Q. But that's the same location,</p> <p>23 correct, the 4070 Boston Road location?</p> <p>24 A. No.</p> <p>25 Q. I apologize. Where is that location?</p>
<p style="text-align: right;">Page 18</p> <p>1 S. Orsaris</p> <p>2 Q. Did you start there in 2016?</p> <p>3 A. I initially started as an intern in</p> <p>4 2015 and was hired as a full-time consultant in</p> <p>5 2016.</p> <p>6 Q. How long did you work there?</p> <p>7 A. About a year and a half.</p> <p>8 Q. So you left in 2018; is that correct?</p> <p>9 A. No.</p> <p>10 Q. 2017?</p> <p>11 A. No.</p> <p>12 Q. When did you leave?</p> <p>13 A. 2016.</p> <p>14 Q. I see. You were including your time</p> <p>15 as an intern?</p> <p>16 A. Yes. It was a paid internship.</p> <p>17 Q. What did you do after working at that</p> <p>18 consulting firm?</p> <p>19 A. Automotive retail sales.</p> <p>20 Q. Why did you leave that consulting</p> <p>21 firm?</p> <p>22 A. The United States Export Import Bank</p> <p>23 did not receive funding by the federal</p> <p>24 government, and there was a lapse which led to</p> <p>25 my change in career.</p>	<p style="text-align: right;">Page 20</p> <p>1 S. Orsaris</p> <p>2 A. 4101 Boston Road.</p> <p>3 Q. Going back to when you were at</p> <p>4 Larchmont, Larchmont Mitsubishi, what were your</p> <p>5 responsibilities while working there?</p> <p>6 A. Managing sales folks, salespeople, in</p> <p>7 addition to overseeing sales.</p> <p>8 Q. Were you involved with the financing</p> <p>9 of vehicles while working at Larchmont?</p> <p>10 MR. GOODMAN: Form. Go ahead.</p> <p>11 A. No.</p> <p>12 Q. Did you pull credit reports while</p> <p>13 working at Larchmont Mitsubishi?</p> <p>14 A. Yes.</p> <p>15 Q. What was the purpose for you pulling</p> <p>16 credit reports?</p> <p>17 A. For our clientele to purchase a car.</p> <p>18 Q. You were using the credit reports to</p> <p>19 make assessments of clients; is that correct?</p> <p>20 MR. GOODMAN: Object to form. Go</p> <p>21 ahead.</p> <p>22 A. I was not making assessments, no.</p> <p>23 Q. I see. Maybe you can clarify for me,</p> <p>24 then. What was the purpose of the credit</p> <p>25 reports? What was done with them?</p>

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<p style="text-align: right;">Page 21</p> <p>1 S. Orsaris</p> <p>2 A. They were reviewed.</p> <p>3 Q. By someone else?</p> <p>4 A. Yes.</p> <p>5 Q. I see. And so you got transferred</p> <p>6 from Larchmont Mitsubishi to Victory Auto</p> <p>7 Group, and what is your title at Victory Auto</p> <p>8 Group when you start there?</p> <p>9 A. Sales manager.</p> <p>10 Q. How long did you work at Victory Auto</p> <p>11 Group?</p> <p>12 A. Until the opening of Victory</p> <p>13 Mitsubishi.</p> <p>14 Q. And when was that?</p> <p>15 A. February of 2018.</p> <p>16 Q. And you are referring to the 4070</p> <p>17 Boston Road location; is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. Who owned Victory Mitsubishi when it</p> <p>20 opened?</p> <p>21 MR. GOODMAN: Object to form.</p> <p>22 A. Diane Argyropoulos.</p> <p>23 Q. How do you know that?</p> <p>24 MR. GOODMAN: Object to form. You</p> <p>25 can answer if you understand.</p>	<p style="text-align: right;">Page 23</p> <p>1 S. Orsaris</p> <p>2 Q. But you didn't fill out an</p> <p>3 application; is that correct?</p> <p>4 A. I filled out a lot of paperwork when</p> <p>5 I started working there.</p> <p>6 MS. CATHERINE: Strike the</p> <p>7 nonresponsive portion.</p> <p>8 Q. Did you fill out an application to</p> <p>9 work at Victory Mitsubishi?</p> <p>10 A. Define "application." I don't</p> <p>11 understand the question.</p> <p>12 Q. Have you ever filled out an</p> <p>13 employment application before?</p> <p>14 MR. GOODMAN: Object to the form.</p> <p>15 A. Plenty.</p> <p>16 Q. Did you fill out an employment</p> <p>17 application to go work at Victory Mitsubishi?</p> <p>18 MR. GOODMAN: Object to the form.</p> <p>19 You can answer.</p> <p>20 A. I don't know.</p> <p>21 Q. Did you fill out an employment</p> <p>22 application to work at Larchmont Mitsubishi?</p> <p>23 MR. GOODMAN: Object to the form. Go</p> <p>24 ahead.</p> <p>25 A. I don't recall.</p>
<p style="text-align: right;">Page 22</p> <p>1 S. Orsaris</p> <p>2 A. I don't know the specifics of how I</p> <p>3 knew, but I do know.</p> <p>4 Q. Who owned Victory Auto Group?</p> <p>5 MR. GOODMAN: Object to form.</p> <p>6 Q. While you were working there?</p> <p>7 A. I don't know.</p> <p>8 Q. Who was your supervisor at Victory</p> <p>9 Auto Group?</p> <p>10 A. Diane Argyropoulos.</p> <p>11 Q. If I understand you correctly, the</p> <p>12 Victory Mitsubishi store is opening, and Diane</p> <p>13 asks you to go work at the Victory Mitsubishi</p> <p>14 store; is that correct?</p> <p>15 MR. GOODMAN: Object to form.</p> <p>16 Mischaracterizes testimony. You can answer if</p> <p>17 you understand.</p> <p>18 A. Can you rephrase the question,</p> <p>19 please?</p> <p>20 Q. Sure. Let's put it this way: Did</p> <p>21 you apply to work at the Victory Mitsubishi</p> <p>22 store?</p> <p>23 MR. GOODMAN: Object to form again.</p> <p>24 If you understand, go ahead.</p> <p>25 A. I verbally applied.</p>	<p style="text-align: right;">Page 24</p> <p>1 S. Orsaris</p> <p>2 Q. Have you ever been arrested?</p> <p>3 A. No.</p> <p>4 MR. GOODMAN: Objection. Don't</p> <p>5 answer that. You did answer. You got to let</p> <p>6 me have a few seconds.</p> <p>7 Completely inappropriate question.</p> <p>8 Q. You said you started at Victory</p> <p>9 Mitsubishi in February of 2018; is that</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. What was your position when you</p> <p>13 started?</p> <p>14 A. Sales manager.</p> <p>15 Q. Did that position change?</p> <p>16 A. Yes.</p> <p>17 Q. What did that position change to?</p> <p>18 A. General manager.</p> <p>19 Q. Is that your current position?</p> <p>20 A. Yes.</p> <p>21 Q. Who is Chris Orsaris?</p> <p>22 A. My father.</p> <p>23 Q. Does Chris Orsaris work at Victory</p> <p>24 Mitsubishi?</p> <p>25 MR. GOODMAN: Object to the form.</p>

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<p style="text-align: right;">Page 25</p> <p>1 S. Orsaris</p> <p>2 You could answer.</p> <p>3 A. No.</p> <p>4 Q. Did he work at Victory Mitsubishi in</p> <p>5 the past?</p> <p>6 MR. GOODMAN: Object to form. Go</p> <p>7 ahead.</p> <p>8 A. No.</p> <p>9 Q. Did he work at Victory Auto Group?</p> <p>10 MR. GOODMAN: Object to the form. Go</p> <p>11 ahead.</p> <p>12 A. I don't recall.</p> <p>13 Q. Did he work at Larchmont Mitsubishi?</p> <p>14 MR. GOODMAN: Object to the form.</p> <p>15 A. No.</p> <p>16 Q. Just for my clarity, you said he did</p> <p>17 not work at Victory Mitsubishi and you don't</p> <p>18 recall if he worked at Victory Auto Group; is</p> <p>19 that correct?</p> <p>20 MR. GOODMAN: Still object to the</p> <p>21 form. You could answer.</p> <p>22 A. Yes.</p> <p>23 Q. When you were hired at Larchmont</p> <p>24 Mitsubishi, did you have a background check</p> <p>25 done on you?</p>	<p style="text-align: right;">Page 27</p> <p>1 S. Orsaris</p> <p>2 Mitsubishi?</p> <p>3 MR. GOODMAN: Object to the form.</p> <p>4 A. No.</p> <p>5 Q. Is Diane Argyropoulos involved in the</p> <p>6 process?</p> <p>7 MR. GOODMAN: Object to the form.</p> <p>8 A. No.</p> <p>9 Q. Is anyone else besides yourself</p> <p>10 involved in the process of evaluating job</p> <p>11 applications at Victory Mitsubishi?</p> <p>12 MR. GOODMAN: Object to the form. Go</p> <p>13 ahead.</p> <p>14 A. No.</p> <p>15 Q. What information do you ask for on</p> <p>16 job applications?</p> <p>17 A. A resume.</p> <p>18 Q. Any other information?</p> <p>19 A. If they have a driver's license.</p> <p>20 Q. And that would be for jobs like</p> <p>21 porters that require driving, correct?</p> <p>22 MR. GOODMAN: Require what? I'm</p> <p>23 sorry.</p> <p>24 MS. CATHERINE: Driving a vehicle.</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 26</p> <p>1 S. Orsaris</p> <p>2 A. I don't know.</p> <p>3 Q. Did you sign or otherwise fill out a</p> <p>4 form which authorized Larchmont Mitsubishi to</p> <p>5 run a background check on you?</p> <p>6 A. I don't know.</p> <p>7 Q. Did Larchmont Mitsubishi call or</p> <p>8 otherwise contact any of your prior employers</p> <p>9 in evaluating your job application?</p> <p>10 MR. GOODMAN: Object to form. No</p> <p>11 testimony about an application. Go ahead.</p> <p>12 A. I don't know.</p> <p>13 Q. Your current title is general manager</p> <p>14 at Victory Mitsubishi, correct?</p> <p>15 A. Yes.</p> <p>16 Q. As general manager, do you evaluate</p> <p>17 job applications?</p> <p>18 A. Yes.</p> <p>19 Q. And in the process of evaluating job</p> <p>20 applications, do you run background checks on</p> <p>21 applicants?</p> <p>22 A. I do not. I am not the one that does</p> <p>23 that.</p> <p>24 Q. Is Philip Argyropoulos involved in</p> <p>25 the process of job applications at Victory</p>	<p style="text-align: right;">Page 28</p> <p>1 S. Orsaris</p> <p>2 Q. Do you ask for a driver's license for</p> <p>3 jobs that do not require driving of vehicles?</p> <p>4 A. No.</p> <p>5 Q. Do you require references to former</p> <p>6 employers in job applications?</p> <p>7 A. No.</p> <p>8 Q. When you worked at Victory Auto</p> <p>9 Group, did it do business under any other names</p> <p>10 other than Victory Auto Group?</p> <p>11 MR. GOODMAN: Object to the form. Go</p> <p>12 ahead.</p> <p>13 A. I don't understand the question.</p> <p>14 Q. Do you know what a d/b/a is?</p> <p>15 A. Yes.</p> <p>16 Q. Were there any d/b/a's for Victory</p> <p>17 Auto Group while you worked there?</p> <p>18 A. Victory Auto Group.</p> <p>19 MR. GOODMAN: She is saying any</p> <p>20 other.</p> <p>21 THE WITNESS: No.</p> <p>22 Q. And Victory Mitsubishi is a d/b/a,</p> <p>23 correct?</p> <p>24 A. Current d/b/a, yes.</p> <p>25 Q. And that is the d/b/a of Spartan Auto</p>

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<p style="text-align: right;">Page 29</p> <p>1 S. Orsaris</p> <p>2 Group?</p> <p>3 A. Yes.</p> <p>4 Q. And did Victory Auto Group ever use</p> <p>5 the d/b/a Victory Mitsubishi?</p> <p>6 MR. GOODMAN: I am sorry. Can you</p> <p>7 read that back or rephrase it?</p> <p>8 (Record read.)</p> <p>9 MR. GOODMAN: Go ahead.</p> <p>10 A. No.</p> <p>11 Q. Did Victory Auto Group ever use the</p> <p>12 d/b/a Bronx Suzuki?</p> <p>13 A. I don't know.</p> <p>14 Q. Is Victory Auto Group still in</p> <p>15 operation?</p> <p>16 A. No.</p> <p>17 Q. When did it cease operations?</p> <p>18 MR. GOODMAN: Object to the form as</p> <p>19 to what "operation" means, but go ahead.</p> <p>20 A. The inception of Victory Mitsubishi.</p> <p>21 Q. I see. And so was the physical</p> <p>22 location closed, the 4101 Boston Road location,</p> <p>23 I think you said?</p> <p>24 A. Yes.</p> <p>25 Q. Including yourself, did the employees</p>	<p style="text-align: right;">Page 31</p> <p>1 S. Orsaris</p> <p>2 continued alongside Victory Mitsubishi?</p> <p>3 MR. GOODMAN: Object to the form. If</p> <p>4 you understand.</p> <p>5 A. I don't know.</p> <p>6 Q. That would be a question I would have</p> <p>7 to ask Diane; is that right?</p> <p>8 MR. GOODMAN: Objection. Go ahead.</p> <p>9 A. I don't know.</p> <p>10 Q. What are the different jobs at</p> <p>11 Victory Mitsubishi?</p> <p>12 MR. GOODMAN: You are talking about</p> <p>13 presently? The time frame currently?</p> <p>14 MS. CATHERINE: Currently.</p> <p>15 MR. GOODMAN: Go ahead.</p> <p>16 A. Porter, sales, service, writers,</p> <p>17 service technicians, service manager, various</p> <p>18 receptionists, business development center</p> <p>19 associates, business development center</p> <p>20 manager, finance manager, sales manager,</p> <p>21 general manager, accounts payable, billing,</p> <p>22 warranty administration or administrator,</p> <p>23 controller.</p> <p>24 Q. As general manager, are you the</p> <p>25 supervisor of all the other positions that you</p>
<p style="text-align: right;">Page 30</p> <p>1 S. Orsaris</p> <p>2 who worked at Victory Auto Group go to work at</p> <p>3 Victory Mitsubishi?</p> <p>4 MR. GOODMAN: Object to form. Go</p> <p>5 ahead.</p> <p>6 A. Yes.</p> <p>7 Q. Do you know the reason that Victory</p> <p>8 Mitsubishi was opened and operations were moved</p> <p>9 to there?</p> <p>10 MR. GOODMAN: Form. Go ahead.</p> <p>11 A. Operations were not moved over there.</p> <p>12 Q. I'm sorry? You said operations were</p> <p>13 not moved over there?</p> <p>14 A. Yes.</p> <p>15 Q. Could you clarify for me, then, what</p> <p>16 happened with this movement of the employees</p> <p>17 from Victory Auto Group to Victory Mitsubishi?</p> <p>18 What was that?</p> <p>19 MR. GOODMAN: Object to form. Go</p> <p>20 ahead.</p> <p>21 A. Diane Argyropoulos purchased LaSorsa</p> <p>22 Mitsubishi and was able to move the point, as</p> <p>23 we use, to 4070 Boston Road.</p> <p>24 Q. Let me ask a different question. Why</p> <p>25 weren't the operations of Victory Auto Group</p>	<p style="text-align: right;">Page 32</p> <p>1 S. Orsaris</p> <p>2 just listed?</p> <p>3 A. Yes.</p> <p>4 Q. Who is your supervisor?</p> <p>5 A. Diane.</p> <p>6 Q. What is her title?</p> <p>7 A. Owner.</p> <p>8 Q. Is Victory Mitsubishi divided into</p> <p>9 different departments that you oversee?</p> <p>10 A. Yes.</p> <p>11 Q. What are the different departments?</p> <p>12 A. Sales, service.</p> <p>13 Q. Let's talk about the sales</p> <p>14 department. Who are the people with</p> <p>15 supervisory authority in the sales department?</p> <p>16 MR. GOODMAN: Object to the form.</p> <p>17 Also, again, just to clarify, are we talking</p> <p>18 presently?</p> <p>19 MS. CATHERINE: Presently.</p> <p>20 MR. GOODMAN: Go ahead.</p> <p>21 A. Myself.</p> <p>22 Q. Anyone else?</p> <p>23 A. No.</p> <p>24 Q. So the sales manager doesn't have</p> <p>25 supervisory authority; is that correct?</p>

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1 S. Orsaris
 2 A. No.
 3 MR. GOODMAN: Yes, that's correct;
 4 no, he doesn't or she doesn't?
 5 THE WITNESS: The sales managers do
 6 not have supervisory authority.
 7 Q. But they do supervise employees; is
 8 that correct?
 9 MR. GOODMAN: Object to form. Go
 10 ahead.
 11 A. Yes.
 12 Q. But they don't have the power to, for
 13 example, hire or fire employees; is that
 14 correct?
 15 A. Yes.
 16 Q. What are the responsibilities of the
 17 sales manager generally?
 18 A. Overseeing the sales process.
 19 Q. The entire sales process?
 20 A. The beginning such as showing of the
 21 vehicle.
 22 Q. When you say "the beginning," when
 23 does the beginning of the sales process end?
 24 A. When there's intent to purchase a
 25 vehicle.

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1 S. Orsaris
 2 Q. I see. And what happens then?
 3 A. I then get involved.
 4 Q. I am sorry. I didn't hear that.
 5 A. I am then involved.
 6 Q. Is anyone else involved at that point
 7 besides yourself?
 8 A. The finance manager.
 9 Q. And who is currently the finance
 10 manager?
 11 A. Currently?
 12 Q. Yes.
 13 A. I have five.
 14 Q. You have five finance managers. Who
 15 are the finance managers?
 16 A. Yessica Vallejo, Joseph Gerbino,
 17 Andris Guzman, Tae Kim, Walter Mesa.
 18 Q. When you were going through the
 19 different jobs of the dealership, you mentioned
 20 sales associate; is that right?
 21 A. Yes.
 22 Q. How many sales associates are there
 23 at the dealership currently?
 24 A. Twenty.
 25 Q. How many sales managers are there at

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1 S. Orsaris
 2 the dealership?
 3 A. Three.
 4 Q. And how many employees are in the
 5 service department?
 6 A. Twenty.
 7 Q. How many employees are in the finance
 8 department?
 9 A. Five.
 10 Q. Do all of the employees you listed
 11 off work at the 4070 Boston Road location?
 12 A. I don't understand the question.
 13 Q. Sure. Let me rephrase the question.
 14 Is the work of Victory Mitsubishi done at any
 15 other location other than the 4070 Boston Road
 16 location?
 17 MR. GOODMAN: Object to form. Go
 18 ahead.
 19 A. Sales is at 4070 Boston Road.
 20 Q. Is that the full answer?
 21 A. Yeah.
 22 MR. GOODMAN: You have to say "yes."
 23 A. Yes.
 24 MS. CATHERINE: Could you read back
 25 the answer?

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1 S. Orsaris
 2 A. Sales occur at 4070 Boston Road.
 3 MR. GOODMAN: She was asking the
 4 court reporter to read it back.
 5 MS. CATHERINE: I think you pretty
 6 much gave it back to me verbatim.
 7 Q. What about the other operations?
 8 Where do those occur?
 9 A. The service department is a block
 10 down.
 11 Q. Do you know the address off the top
 12 of your head?
 13 A. 3530 Noell Avenue.
 14 Q. What about the finance department?
 15 A. As I stated before, sales is at 4070
 16 Boston Road.
 17 Q. I see. When you say "sales," that
 18 includes the finance, correct?
 19 A. Yes.
 20 Q. Who has offices at the 4070 location?
 21 MR. GOODMAN: Object to the form.
 22 You mean who by name, or who by title, or what?
 23 Object to the form.
 24 MS. CATHERINE: By name and by title.
 25 A. Myself and each of the five prior

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1 S. Orsaris

2 listed finance managers.

3 Q. So the sales managers do not have

4 offices; is that correct?

5 A. Yes, they do not have offices.

6 Q. Does anyone else besides you and the

7 finance managers have an office?

8 A. No.

9 Q. So Diane does not have an office at

10 the 4070 location?

11 A. No.

12 MR. GOODMAN: No, she doesn't or no,

13 that's correct?

14 THE WITNESS: No, she doesn't, but

15 she is free to use my office.

16 Q. So when she is doing work at Victory

17 Mitsubishi, she uses your office; is that

18 correct?

19 A. If the work is not remote, yes.

20 Q. I think what you are implying, then,

21 if I understand you correctly, is that she does

22 work for Victory Mitsubishi remotely; is that

23 correct?

24 A. Occasionally.

25 Q. What are her main responsibilities at

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1 S. Orsaris

2 Victory Mitsubishi?

3 MR. GOODMAN: Object to form.

4 A. I don't know all of them.

5 Q. I'm sorry. What was that after you

6 said "I don't know"?

7 A. I don't know all of her

8 responsibilities.

9 Q. You don't know all of her

10 responsibilities. What are the ones you do

11 know?

12 A. Management of the dealer financing.

13 Q. Who files taxes for Victory

14 Mitsubishi?

15 MR. GOODMAN: Object to form.

16 A. My controller.

17 Q. Does your controller work with Diane

18 to do that?

19 MR. GOODMAN: Object to form. Go

20 ahead. You can answer.

21 A. Yes.

22 Q. Are you involved in that process as

23 well?

24 A. No.

25 Q. Is Philip Argyropoulos involved in

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1 S. Orsaris

2 that process?

3 A. I don't know.

4 Q. Does Victory Mitsubishi sell any

5 vehicles through the internet?

6 MR. GOODMAN: Object to the form. Go

7 ahead if you understand.

8 A. No.

9 Q. How do you receive your paycheck from

10 Victory Mitsubishi?

11 A. I get a paycheck.

12 Q. A physical paycheck?

13 A. Yes.

14 Q. Who cuts the paycheck?

15 MR. GOODMAN: Object to form. Go

16 ahead.

17 A. My controller.

18 MS. CATHERINE: Let me rephrase the

19 question.

20 Q. On the paycheck, who does it say the

21 payment is from?

22 MR. GOODMAN: Who is the payor on the

23 check.

24 A. Spartan Auto Group.

25 Q. And has it been Spartan Auto Group as

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1 S. Orsaris

2 long as you have been working at Victory

3 Mitsubishi?

4 A. Yes.

5 Q. Who was the payor when you were

6 working at Victory Auto Group?

7 A. Victory Auto Group.

8 Q. Who was the payor when you were

9 working at Larchmont Mitsubishi?

10 A. Larchmont Mitsubishi.

11 Q. Did the payor ever change when you

12 were working at any of those three jobs?

13 MR. GOODMAN: Object to form. I

14 think his testimony -- go ahead.

15 A. I already answered. No.

16 Q. Is Larchmont Mitsubishi still in

17 operation?

18 MR. GOODMAN: If you know. Object to

19 the form.

20 A. No.

21 Q. When did it close?

22 A. I don't know.

23 Q. Was Larchmont Mitsubishi owned by

24 Diane Argyropoulos?

25 MR. GOODMAN: Object to form.

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<p style="text-align: right;">Page 41</p> <p>1 S. Orsaris</p> <p>2 A. I don't know.</p> <p>3 Q. I think your prior testimony, if I</p> <p>4 recall correctly, is that you were transferred</p> <p>5 from Larchmont Mitsubishi to Victory Auto</p> <p>6 Group; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. And whose decision was that?</p> <p>9 A. Diane.</p> <p>10 Q. Have you ever fired an employee for</p> <p>11 cause as general manager of Victory Mitsubishi?</p> <p>12 MR. GOODMAN: Objection, but go</p> <p>13 ahead.</p> <p>14 A. I don't understand the question.</p> <p>15 Q. Sure. Have you ever terminated</p> <p>16 someone's employment at Victory Mitsubishi?</p> <p>17 A. Yes.</p> <p>18 Q. Was there ever an instance where you</p> <p>19 terminated someone's employment at Victory</p> <p>20 Mitsubishi based on the employee's wrongful</p> <p>21 conduct?</p> <p>22 MR. GOODMAN: Object to the form. If</p> <p>23 you understand, you can answer.</p> <p>24 A. I don't understand the question.</p> <p>25 Q. Do you understand the term "lay off"</p>	<p style="text-align: right;">Page 43</p> <p>1 S. Orsaris</p> <p>2 can answer.</p> <p>3 A. No.</p> <p>4 Q. Do you know of anyone who was</p> <p>5 terminated from Victory Mitsubishi because of</p> <p>6 allegations of fraud?</p> <p>7 MR. GOODMAN: Object to form. You</p> <p>8 could answer.</p> <p>9 A. That has never happened.</p> <p>10 Q. And you can be sure of that because</p> <p>11 you worked there since it started in February</p> <p>12 of 2018, correct?</p> <p>13 A. Yes. I am very certain.</p> <p>14 Q. Do you have a base salary?</p> <p>15 A. Yes.</p> <p>16 Q. Do you receive a commission?</p> <p>17 A. No.</p> <p>18 MR. GOODMAN: Objection to form. Go</p> <p>19 ahead. You answered.</p> <p>20 Q. Again, try to pause before you answer</p> <p>21 the question because I have a hard time hearing</p> <p>22 when you and your attorney are speaking at the</p> <p>23 same time. Could you repeat your answer?</p> <p>24 A. "No."</p> <p>25 MR. GOODMAN: Emma, we have been</p>
<p style="text-align: right;">Page 42</p> <p>1 S. Orsaris</p> <p>2 in the context of terminating someone's</p> <p>3 employment?</p> <p>4 A. No.</p> <p>5 Q. For what reasons would you terminate</p> <p>6 someone's employment at Victory Mitsubishi?</p> <p>7 A. Tardiness, performance. That's it.</p> <p>8 Q. What sort of metrics do you use to</p> <p>9 evaluate an employee's performance?</p> <p>10 A. I don't use any specific metric.</p> <p>11 Q. Do you track the number of sales made</p> <p>12 by sales associates?</p> <p>13 A. When they are not in training.</p> <p>14 Q. How about with sales managers?</p> <p>15 A. There is no metric.</p> <p>16 Q. You don't track sales by sales</p> <p>17 managers?</p> <p>18 A. No.</p> <p>19 Q. Do you track sales by finance</p> <p>20 managers?</p> <p>21 A. No.</p> <p>22 Q. Have you ever terminated someone's</p> <p>23 employment at Victory Mitsubishi based on</p> <p>24 allegations of fraud?</p> <p>25 MR. GOODMAN: Object to form. You</p>	<p style="text-align: right;">Page 44</p> <p>1 S. Orsaris</p> <p>2 going an hour. When you reach a point that is</p> <p>3 comfortable, if we could take a five-minute</p> <p>4 break.</p> <p>5 MS. CATHERINE: Let's take it now.</p> <p>6 (A recess was taken.)</p> <p>7 Q. I always forget to say this during</p> <p>8 depositions, but if you need a break at any</p> <p>9 point, Mr. Orsaris, just feel free to say so.</p> <p>10 Whenever you want a break for lunch, just let</p> <p>11 me know when you want to do that. I am happy</p> <p>12 to put in any breaks.</p> <p>13 A. No problem.</p> <p>14 Q. Have you ever worked with Chris</p> <p>15 Orsaris at any car dealership?</p> <p>16 MR. GOODMAN: Object to form. You</p> <p>17 could answer.</p> <p>18 A. No.</p> <p>19 Q. Do you know if anyone has ever had</p> <p>20 their employment terminated relating to</p> <p>21 allegations of fraud at Victory Auto Group?</p> <p>22 MR. GOODMAN: Object to form. Go</p> <p>23 ahead. You could answer.</p> <p>24 A. Can you rephrase that question,</p> <p>25 please?</p>

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<p style="text-align: right;">Page 45</p> <p>1 S. Orsaris</p> <p>2 Q. Sure.</p> <p>3 MR. GOODMAN: You are distinguishing</p> <p>4 between Spartan Auto Group and Victory Auto?</p> <p>5 Is that -- go ahead. I'm sorry.</p> <p>6 Q. So we talked earlier about how you</p> <p>7 said no one has ever been fired from Victory</p> <p>8 Mitsubishi because of allegations of fraud; is</p> <p>9 that correct?</p> <p>10 A. Yes.</p> <p>11 Q. What about Victory Auto Group?</p> <p>12 A. Yes, no one has been terminated for</p> <p>13 allegations of fraud there either.</p> <p>14 Q. Remind me when you started at Victory</p> <p>15 Auto Group?</p> <p>16 A. November of 2016.</p> <p>17 Q. And Victory Auto Group had been</p> <p>18 operating for a few years by that time; is that</p> <p>19 correct?</p> <p>20 MR. GOODMAN: Object to form. Go</p> <p>21 ahead.</p> <p>22 A. I don't know.</p> <p>23 Q. You don't know. So is it fair to say</p> <p>24 that you wouldn't know about all of the</p> <p>25 employees who were terminated at Victory Auto</p>	<p style="text-align: right;">Page 47</p> <p>1 S. Orsaris</p> <p>2 A. I do not receive bonuses.</p> <p>3 Q. You don't receive any share of</p> <p>4 profits?</p> <p>5 A. No.</p> <p>6 Q. Do finance managers at Victory</p> <p>7 Mitsubishi receive commissions?</p> <p>8 A. Yes.</p> <p>9 Q. How are their commissions calculated?</p> <p>10 A. A portion of the deal's gross profit.</p> <p>11 Q. How are commissions for sales</p> <p>12 managers calculated?</p> <p>13 A. Based on the number of overall sales.</p> <p>14 Q. Do you have targets for sales</p> <p>15 managers in regards to the number of sales that</p> <p>16 they make?</p> <p>17 A. No.</p> <p>18 Q. Do you have targets for finance</p> <p>19 managers in regards to the gross profits that</p> <p>20 they earn for the dealership?</p> <p>21 A. No.</p> <p>22 Q. Have you ever represented yourself to</p> <p>23 a consumer as the owner of Victory Mitsubishi?</p> <p>24 A. No.</p> <p>25 Q. Has any consumer ever mistaken you as</p>
<p style="text-align: right;">Page 46</p> <p>1 S. Orsaris</p> <p>2 Group and the reasons for their termination; is</p> <p>3 that correct?</p> <p>4 MR. GOODMAN: Objection. Assumes</p> <p>5 there were terminations, but go ahead.</p> <p>6 A. I don't know.</p> <p>7 Q. What about Larchmont Mitsubishi; was</p> <p>8 anyone ever fired from Larchmont Mitsubishi</p> <p>9 because of allegations of fraud?</p> <p>10 A. No.</p> <p>11 Q. Do you know when Larchmont Mitsubishi</p> <p>12 started?</p> <p>13 A. No.</p> <p>14 Q. And you said you received a</p> <p>15 commission, correct?</p> <p>16 MR. GOODMAN: "No." Objection.</p> <p>17 Q. You said "no." I'm sorry. Help me</p> <p>18 jog my memory. What was your testimony on that</p> <p>19 issue?</p> <p>20 A. I do not receive commission.</p> <p>21 Q. Do you receive any other form of</p> <p>22 compensation besides your salary?</p> <p>23 A. No.</p> <p>24 Q. So you don't receive bonuses, for</p> <p>25 example?</p>	<p style="text-align: right;">Page 48</p> <p>1 S. Orsaris</p> <p>2 the owner of Victory Mitsubishi perhaps because</p> <p>3 of your position as the general manager?</p> <p>4 MR. GOODMAN: Object to the form of</p> <p>5 that question. I don't know if that's</p> <p>6 acceptable to answer, but go ahead.</p> <p>7 A. I don't know.</p> <p>8 Q. Do you have an ownership interest in</p> <p>9 Victory Mitsubishi?</p> <p>10 A. No.</p> <p>11 Q. Have you ever had an ownership</p> <p>12 interest in Victory Mitsubishi?</p> <p>13 A. No.</p> <p>14 Q. What drew you from working in</p> <p>15 import-export to going to auto sales?</p> <p>16 MR. GOODMAN: Object to form. I</p> <p>17 think it is asked and answered, but go ahead.</p> <p>18 A. I worked with my grandfather at a</p> <p>19 mechanic's shop to get myself through college.</p> <p>20 Q. I see. What is your grandfather's</p> <p>21 name?</p> <p>22 A. Peter Orsaris.</p> <p>23 Q. And what shop were you working at?</p> <p>24 A. Orsaris Auto Center.</p> <p>25 Q. Did Chris Orsaris work at that shop</p>

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<p style="text-align: right;">Page 49</p> <p>1 S. Orsaris</p> <p>2 as well?</p> <p>3 MR. GOODMAN: Object to form. Go</p> <p>4 ahead.</p> <p>5 A. I don't know.</p> <p>6 Q. Did they sell cars there?</p> <p>7 A. No.</p> <p>8 Q. If I understand you correctly, when</p> <p>9 you could no longer work at the consulting</p> <p>10 firm, you drew from your past experience</p> <p>11 working at this auto body shop and applied to</p> <p>12 work at Larchmont Mitsubishi; is that correct?</p> <p>13 MR. GOODMAN: Object to form.</p> <p>14 A. Auto repair, but yes.</p> <p>15 Q. Sorry. I am not a car person so I am</p> <p>16 going to be screwing up the terms left and</p> <p>17 right here.</p> <p>18 Who is David Perez?</p> <p>19 A. A prior sales manager.</p> <p>20 Q. When did he start?</p> <p>21 A. At the inception of Victory</p> <p>22 Mitsubishi at 4070 Boston Road.</p> <p>23 Q. Was he working at Victory Auto Group</p> <p>24 before then?</p> <p>25 A. I don't know.</p>	<p style="text-align: right;">Page 51</p> <p>1 S. Orsaris</p> <p>2 as sales manager?</p> <p>3 A. Assisting with the initial part of a</p> <p>4 sale.</p> <p>5 Q. And what would that initial part</p> <p>6 entail?</p> <p>7 A. Greeting of our clientele, assigning</p> <p>8 a sales consultant, understanding wants and</p> <p>9 needs of a potential client, and then if there</p> <p>10 is intent to purchase, he usually turned it</p> <p>11 over to me.</p> <p>12 Q. And you were his supervisor, correct?</p> <p>13 A. Yes.</p> <p>14 Q. How did you supervise his work?</p> <p>15 MR. GOODMAN: Object to form. Go</p> <p>16 ahead.</p> <p>17 A. I sat right next to him.</p> <p>18 Q. That makes it pretty easy.</p> <p>19 Was one of his responsibilities</p> <p>20 pulling the credit reports of consumers?</p> <p>21 MR. GOODMAN: Objection to form,</p> <p>22 "responsibilities," but go ahead.</p> <p>23 A. Yes.</p> <p>24 Q. And he would pull consumer's credit</p> <p>25 reports using the information in a credit</p>
<p style="text-align: right;">Page 50</p> <p>1 S. Orsaris</p> <p>2 Q. When he started at the inception of</p> <p>3 Victory Mitsubishi, what was his position?</p> <p>4 A. Sales consultant.</p> <p>5 Q. Is that different from a sales</p> <p>6 associate, or am I confusing the terms?</p> <p>7 A. They are synonymous with each other.</p> <p>8 Q. Did he have any other titles while</p> <p>9 working at Victory Mitsubishi?</p> <p>10 A. Sales consultant, and then sales</p> <p>11 manager. That's it.</p> <p>12 Q. When did he become a sales manager?</p> <p>13 A. Spring of 2018.</p> <p>14 Q. And what was the basis for his</p> <p>15 promotion?</p> <p>16 MR. GOODMAN: Object to form. Go</p> <p>17 ahead.</p> <p>18 A. Performance.</p> <p>19 Q. He was good at selling cars; is that</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. And you knew that based on the number</p> <p>23 of cars he sold; is that correct?</p> <p>24 A. Yes.</p> <p>25 Q. What were his main responsibilities</p>	<p style="text-align: right;">Page 52</p> <p>1 S. Orsaris</p> <p>2 application, correct?</p> <p>3 A. Yes.</p> <p>4 Q. And the credit application would have</p> <p>5 been filled out by a consumer with the help of</p> <p>6 a sales associate; is that correct?</p> <p>7 A. Not the last part. Consumer would</p> <p>8 fill out the credit application.</p> <p>9 Q. I see. And who would give the</p> <p>10 application to the consumer?</p> <p>11 A. The application was given by myself</p> <p>12 or David to the sales consultant, and we would</p> <p>13 oversee completing the application.</p> <p>14 Q. So if a consumer had questions about</p> <p>15 a credit application, if they said "Oh, I don't</p> <p>16 have this information. Do you need this," who</p> <p>17 would they ask that to?</p> <p>18 MR. GOODMAN: Object to form. Go</p> <p>19 ahead.</p> <p>20 A. They would notify the salesperson of</p> <p>21 that. The salesperson would immediately get</p> <p>22 myself or David Perez involved to provide a</p> <p>23 clear answer to the consumer.</p> <p>24 Q. Would Mr. Perez review a consumer's</p> <p>25 driver's license prior to pulling a credit</p>

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<p style="text-align: right;">Page 53</p> <p>1 S. Orsaris</p> <p>2 application?</p> <p>3 A. Yes.</p> <p>4 Q. Who else besides Mr. Perez would pull</p> <p>5 consumer's credit applications?</p> <p>6 MR. GOODMAN: Again, time frame.</p> <p>7 Q. During the time that Mr. Perez worked</p> <p>8 at the dealership?</p> <p>9 MR. GOODMAN: Go ahead.</p> <p>10 A. Myself.</p> <p>11 Q. Anyone else?</p> <p>12 A. The finance team does have the</p> <p>13 ability, but they do not. Either myself or</p> <p>14 David Perez are the ones to pull consumer</p> <p>15 credit.</p> <p>16 Q. Why don't the finance managers do</p> <p>17 that?</p> <p>18 A. No reason.</p> <p>19 Q. It's just not part of their job, is</p> <p>20 what you are saying?</p> <p>21 A. I am extremely involved in every sale</p> <p>22 and potential sale at Victory, so it's my</p> <p>23 preference.</p> <p>24 Q. I see. So if a consumer's credit</p> <p>25 report is pulled, you would know about it; is</p>	<p style="text-align: right;">Page 55</p> <p>1 S. Orsaris</p> <p>2 A. I pulled 80 percent of the credit,</p> <p>3 and prior to pulling credit, I met with every</p> <p>4 customer.</p> <p>5 Q. I see. And he pulled the other</p> <p>6 20 percent?</p> <p>7 A. And he met every customer prior to</p> <p>8 doing so.</p> <p>9 Q. Who is Yessica Vallejo?</p> <p>10 A. I answered that already, but she is a</p> <p>11 finance manager.</p> <p>12 Q. When did she start working at Victory</p> <p>13 Mitsubishi?</p> <p>14 A. At inception.</p> <p>15 Q. Did she work at Victory Auto Group?</p> <p>16 A. Yes.</p> <p>17 Q. Did she work at Larchmont Mitsubishi?</p> <p>18 A. No.</p> <p>19 Q. When she was working at Victory Auto</p> <p>20 Group, what was her title?</p> <p>21 A. Finance manager.</p> <p>22 Q. When did she start at Victory Auto</p> <p>23 Group?</p> <p>24 A. I can't recall.</p> <p>25 Q. Was it before you had started at</p>
<p style="text-align: right;">Page 54</p> <p>1 S. Orsaris</p> <p>2 that correct?</p> <p>3 MR. GOODMAN: Object to the form. Go</p> <p>4 ahead.</p> <p>5 A. Yes.</p> <p>6 Q. When you pulled a consumer's credit</p> <p>7 report, would you review that consumer's</p> <p>8 driver's license prior to pulling the credit</p> <p>9 report?</p> <p>10 A. Yes.</p> <p>11 Q. Would you ever, for example, have a</p> <p>12 sales associate tell you, "Oh, I reviewed the</p> <p>13 consumer's driver's license and then pulled the</p> <p>14 credit report" without yourself having reviewed</p> <p>15 the consumer's driver's license?</p> <p>16 A. No. I met every potential client</p> <p>17 prior to pulling any credit.</p> <p>18 Q. And that would be the case with David</p> <p>19 Perez as well, correct?</p> <p>20 A. It was an 80/20 split between myself</p> <p>21 and David Perez.</p> <p>22 Q. By that you mean he pulled the credit</p> <p>23 reports about 80 percent of the time?</p> <p>24 A. No.</p> <p>25 Q. Please explain what you mean.</p>	<p style="text-align: right;">Page 56</p> <p>1 S. Orsaris</p> <p>2 Victory Auto Group?</p> <p>3 A. Yes.</p> <p>4 Q. Did she have any other titles while</p> <p>5 working at Victory Auto Group other than</p> <p>6 finance manager?</p> <p>7 A. Yes.</p> <p>8 Q. What were those titles?</p> <p>9 A. A funder.</p> <p>10 Q. What is that? What is a funder?</p> <p>11 A. Helps finalize the contracts between</p> <p>12 the consumer and the lender.</p> <p>13 Q. And that position would be supervised</p> <p>14 by the finance manager; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. Are there funders working at Victory</p> <p>17 Mitsubishi?</p> <p>18 A. No.</p> <p>19 Q. Why not?</p> <p>20 A. Not needed.</p> <p>21 Q. Who made the decision that they were</p> <p>22 not needed; you or Diane?</p> <p>23 MR. GOODMAN: Object to form. Go</p> <p>24 ahead.</p> <p>25 A. I would say both.</p>

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<p style="text-align: right;">Page 57</p> <p>1 S. Orsaris</p> <p>2 Q. And that has been the case since the</p> <p>3 inception of Victory Mitsubishi; is that</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. So what happened to the funders who</p> <p>7 worked at Victory Auto Group when Victory Auto</p> <p>8 Group ceased operations and Victory Mitsubishi</p> <p>9 was started? Were they just laid off?</p> <p>10 MR. GOODMAN: Object to form. Go</p> <p>11 ahead.</p> <p>12 A. No.</p> <p>13 Q. What happened to them?</p> <p>14 A. There was only one funder, Yessica</p> <p>15 Vallejo, and she was promoted to finance</p> <p>16 manager, and the funder ceased to exist.</p> <p>17 Q. What were her main responsibilities</p> <p>18 as a funder?</p> <p>19 MR. GOODMAN: Asked and answered. Go</p> <p>20 ahead.</p> <p>21 A. Preparing the mailing of contracts to</p> <p>22 the finance institutions that financed the</p> <p>23 loan.</p> <p>24 Q. And what are her main</p> <p>25 responsibilities as finance manager?</p>	<p style="text-align: right;">Page 59</p> <p>1 S. Orsaris</p> <p>2 provided?</p> <p>3 A. Phone calls.</p> <p>4 Q. Who is Philip Argyropoulos?</p> <p>5 A. Diane's husband.</p> <p>6 Q. And he is your boss, correct?</p> <p>7 MR. GOODMAN: Object to the form. Go</p> <p>8 ahead.</p> <p>9 A. No.</p> <p>10 Q. Has he ever been your boss?</p> <p>11 MR. GOODMAN: Object to form.</p> <p>12 A. No.</p> <p>13 Q. Has he ever given you instructions</p> <p>14 while you have worked at Victory Mitsubishi?</p> <p>15 MR. GOODMAN: Object to the form. Go</p> <p>16 ahead.</p> <p>17 A. No.</p> <p>18 Q. Has he ever given you instructions</p> <p>19 while you worked at Victory Auto Group?</p> <p>20 MR. GOODMAN: Object to the form. Go</p> <p>21 ahead.</p> <p>22 A. No.</p> <p>23 Q. Has he ever given you instructions</p> <p>24 while you worked at Larchmont Mitsubishi?</p> <p>25 MR. GOODMAN: Object to form. Go</p>
<p style="text-align: right;">Page 58</p> <p>1 S. Orsaris</p> <p>2 A. Working with the customer, explaining</p> <p>3 and going over all local, state, and federal</p> <p>4 disclosures, as well as in addition to customer</p> <p>5 service making sure folks are happy with their</p> <p>6 cars, and budgets were met.</p> <p>7 Q. And you are her supervisor at Victory</p> <p>8 Mitsubishi, correct?</p> <p>9 A. Yes.</p> <p>10 Q. And how do you supervise her work?</p> <p>11 A. I don't understand the question.</p> <p>12 Q. How did you evaluate her performance</p> <p>13 as a finance manager?</p> <p>14 A. Nothing really in specific other than</p> <p>15 just general feedback that I received from</p> <p>16 clients and financial institutions about her</p> <p>17 work.</p> <p>18 Q. So finance institutions will provide</p> <p>19 you feedback about her work?</p> <p>20 A. Yes. They love her.</p> <p>21 Q. Sorry. What was that?</p> <p>22 A. They love her. They love working</p> <p>23 with her.</p> <p>24 Q. Oh, good. And that feedback is</p> <p>25 provided by email or phone calls, or how is it</p>	<p style="text-align: right;">Page 60</p> <p>1 S. Orsaris</p> <p>2 ahead.</p> <p>3 A. No.</p> <p>4 Q. Has he ever been present in meetings</p> <p>5 between you and Diane Argyropoulos?</p> <p>6 MR. GOODMAN: Note my objection. You</p> <p>7 can go ahead.</p> <p>8 A. No.</p> <p>9 Q. Has he ever been cc'd on emails</p> <p>10 between you and Diane Argyropoulos?</p> <p>11 MR. GOODMAN: Object to form. Go</p> <p>12 ahead.</p> <p>13 A. No.</p> <p>14 Q. Have you ever communicated with</p> <p>15 Philip Argyropoulos about Victory Mitsubishi?</p> <p>16 MR. GOODMAN: Object to form.</p> <p>17 A. No.</p> <p>18 Q. Has Philip Argyropoulos come to</p> <p>19 Victory Mitsubishi on a regular basis?</p> <p>20 MR. GOODMAN: Object to form. Go</p> <p>21 ahead.</p> <p>22 A. No.</p> <p>23 Q. Has Mr. Argyropoulos ever come into</p> <p>24 the Victory Mitsubishi dealership?</p> <p>25 MR. GOODMAN: Objection. I am not</p>

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<p style="text-align: right;">Page 61</p> <p>1 S. Orsaris</p> <p>2 sure where this is going. This is getting</p> <p>3 pretty far afield here, but go ahead.</p> <p>4 A. I don't know.</p> <p>5 MS. CATERINE: Please just make</p> <p>6 objections to form. We don't need the speaking</p> <p>7 objections, please.</p> <p>8 MR. GOODMAN: I don't mean to be --</p> <p>9 let's go ahead.</p> <p>10 MS. CATERINE: Let me be clear, I am</p> <p>11 not going to tolerate speaking objections, and</p> <p>12 I will get the judge on the phone if they</p> <p>13 continue.</p> <p>14 Q. Who is Diane Argyropoulos?</p> <p>15 A. I answered this question already, but</p> <p>16 she is the owner.</p> <p>17 Q. And she has been the owner since the</p> <p>18 inception, correct?</p> <p>19 MR. GOODMAN: Asked and answered. Go</p> <p>20 ahead.</p> <p>21 A. Yes.</p> <p>22 Q. And you said she was the owner of</p> <p>23 Victory Auto Group, correct?</p> <p>24 MR. GOODMAN: Object to the form.</p> <p>25 Asked and answered. Go ahead.</p>	<p style="text-align: right;">Page 63</p> <p>1 S. Orsaris</p> <p>2 Q. Has she ever told you about</p> <p>3 consulting with her husband, Philip</p> <p>4 Argyropoulos, about decisions related to</p> <p>5 Victory Mitsubishi?</p> <p>6 MR. GOODMAN: Object to the form. If</p> <p>7 you understand -- I do not -- go ahead.</p> <p>8 MS. CATERINE: This is the last</p> <p>9 chance I am giving regarding speaking</p> <p>10 objections. If you give speaking objections</p> <p>11 again, I am getting the judge on the phone.</p> <p>12 MR. GOODMAN: I would appreciate</p> <p>13 that. Let's get him on the phone now.</p> <p>14 (Pause in the proceedings.)</p> <p>15 Q. How did the Mitsubishi dealership</p> <p>16 adapt to the COVID pandemic?</p> <p>17 MR. GOODMAN: Object to the form.</p> <p>18 A. We followed all local, state, and</p> <p>19 federal regulations.</p> <p>20 Q. Were the decisions about how to</p> <p>21 comply with those decisions and regulations,</p> <p>22 were those decisions made by Philip</p> <p>23 Argyropoulos?</p> <p>24 A. No.</p> <p>25 Q. Were those decisions made by Diane</p>
<p style="text-align: right;">Page 62</p> <p>1 S. Orsaris</p> <p>2 A. I don't know.</p> <p>3 Q. And you mentioned that she did remote</p> <p>4 work for Victory Mitsubishi. Is that done from</p> <p>5 her residence?</p> <p>6 A. I don't know.</p> <p>7 Q. Do you know what city she resides in?</p> <p>8 A. No.</p> <p>9 Q. Have you ever had meetings with Ms.</p> <p>10 Argyropoulos in person?</p> <p>11 A. Yes.</p> <p>12 Q. Where would those meetings take</p> <p>13 place?</p> <p>14 A. 4070 Boston Road.</p> <p>15 Q. Would they ever take place in a</p> <p>16 different location?</p> <p>17 A. No.</p> <p>18 Q. About how often does she come to the</p> <p>19 Victory Mitsubishi dealership in person?</p> <p>20 A. Frequently.</p> <p>21 Q. Every week?</p> <p>22 A. Multiple times per week, yes.</p> <p>23 Q. Was that the case with Victory Auto</p> <p>24 Group?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 64</p> <p>1 S. Orsaris</p> <p>2 Argyropoulos?</p> <p>3 A. No.</p> <p>4 Q. Who made those decisions?</p> <p>5 A. Myself.</p> <p>6 Q. Did you consult with Diane when</p> <p>7 making those decisions?</p> <p>8 A. I notified her of the decisions that</p> <p>9 I made.</p> <p>10 Q. Let's take it one step at a time.</p> <p>11 What happened when the shut-down order was</p> <p>12 given?</p> <p>13 MR. GOODMAN: Object to the form.</p> <p>14 You can answer.</p> <p>15 A. We were essential.</p> <p>16 Q. By that you mean you were able to</p> <p>17 continue operations because you were considered</p> <p>18 to be essential workers; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. Did the operations change in any way</p> <p>21 during that time immediately following the</p> <p>22 shutdown order?</p> <p>23 A. Four days after the shutdown order</p> <p>24 was in place, automotive retail sales was</p> <p>25 considered as essential, and we had operated</p>

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<p style="text-align: right;">Page 65</p> <p>1 S. Orsaris</p> <p>2 following the guidelines that they wanted us</p> <p>3 to.</p> <p>4 Q. What were those guidelines generally?</p> <p>5 A. Appointment only with intent to</p> <p>6 purchase.</p> <p>7 Q. And how were appointments made?</p> <p>8 A. People would call and make</p> <p>9 appointments for cars.</p> <p>10 Q. Could appointments be made online?</p> <p>11 A. You could request to speak to someone</p> <p>12 to make an appointment.</p> <p>13 Q. I see. But the actual making of an</p> <p>14 appointment would only occur over the phone; is</p> <p>15 that correct?</p> <p>16 A. Yes.</p> <p>17 Q. And who would handle those phone</p> <p>18 calls making appointments?</p> <p>19 A. My business development center</p> <p>20 associates.</p> <p>21 Q. About how many of them are there?</p> <p>22 MR. GOODMAN: Are there now or --</p> <p>23 MS. CATHERINE: Were there at the</p> <p>24 time.</p> <p>25 A. Two or three.</p>	<p style="text-align: right;">Page 67</p> <p>1 S. Orsaris</p> <p>2 the last couple of sentences?</p> <p>3 (Record read.)</p> <p>4 A. And then from there, the customer</p> <p>5 would begin the financing process of the</p> <p>6 vehicle, which would include completion of the</p> <p>7 credit application. Obviously, also collecting</p> <p>8 of the ID or the driver's license of the</p> <p>9 individual, which would ultimately be passed</p> <p>10 back to me, and specifically during that period</p> <p>11 of time, the majority of it, 98 percent of it,</p> <p>12 was to me.</p> <p>13 Q. Let me just ask you, so I fill out a</p> <p>14 credit application, and you pull my credit</p> <p>15 report. What happens next? Let's assume I</p> <p>16 have great credit, the best credit you have</p> <p>17 ever seen, perfect, 850, whatever.</p> <p>18 A. I mean, just before we pull it,</p> <p>19 there's a verification of who is in front of</p> <p>20 us, but we would just proceed forward. It</p> <p>21 doesn't matter what someone's score is.</p> <p>22 We would take the vehicle of</p> <p>23 interest, understand what the customer is</p> <p>24 looking to invest up front, and submit the</p> <p>25 information that was already verified by</p>
<p style="text-align: right;">Page 66</p> <p>1 S. Orsaris</p> <p>2 Q. By May 30, 2020, what were the</p> <p>3 current states of operation at Victory</p> <p>4 Mitsubishi?</p> <p>5 MR. GOODMAN: Object to the form of</p> <p>6 the question.</p> <p>7 A. Similar to what it was while</p> <p>8 everything was shut down.</p> <p>9 Q. Just walk me through things. If I</p> <p>10 was a customer coming in, I had made an</p> <p>11 appointment and was coming in on May 30, 2020,</p> <p>12 what would happen?</p> <p>13 A. You would check in with either David</p> <p>14 or myself. You were assigned a sales</p> <p>15 consultant, and you were shown the car that you</p> <p>16 were interested in.</p> <p>17 Should you want to proceed forward,</p> <p>18 you sit down, may be a good time to ask</p> <p>19 questions if you are a client, get answers to</p> <p>20 those questions, receive a greeting by myself,</p> <p>21 always, and opportunity to answer questions.</p> <p>22 Q. I am sorry to interrupt you, but I</p> <p>23 believe this is the court calling.</p> <p>24 (Conference call with court.)</p> <p>25 MS. CATHERINE: Could you read back</p>	<p style="text-align: right;">Page 68</p> <p>1 S. Orsaris</p> <p>2 myself to the financial institutions, and</p> <p>3 receive feedback. Either it's a go or it's</p> <p>4 not a go, and then we at that point turn it</p> <p>5 over to the finance manager to discuss the</p> <p>6 figures.</p> <p>7 Sometimes I would be the one to</p> <p>8 discuss the figures, considering that we were</p> <p>9 short staffed, and that's that.</p> <p>10 Q. I know you said it wouldn't really</p> <p>11 matter what the credit score was necessarily,</p> <p>12 but what if you pulled someone's credit and</p> <p>13 they had no credit history at all?</p> <p>14 A. It's circumstantial. You don't need</p> <p>15 credit history to necessarily purchase a car.</p> <p>16 Q. What about to finance a car?</p> <p>17 A. I mean financing of a vehicle.</p> <p>18 That's what I meant.</p> <p>19 Q. It would just affect the terms of the</p> <p>20 financing; is that right?</p> <p>21 A. Depends.</p> <p>22 Q. Who would the customer talk to about</p> <p>23 the financing and the finalized terms of the</p> <p>24 deal?</p> <p>25 MR. GOODMAN: Object to form.</p>

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<p style="text-align: right;">Page 69</p> <p>1 S. Orsaris</p> <p>2 A. Speaking in reference to that period</p> <p>3 of time?</p> <p>4 Q. Yes, during that period of time.</p> <p>5 A. What part of the financing?</p> <p>6 Q. Maybe you could tell me. Let's start</p> <p>7 from the beginning of the process. Who would</p> <p>8 the customer talk to?</p> <p>9 MR. GOODMAN: Object to the form.</p> <p>10 A. They would speak to the sales</p> <p>11 consultant, myself --</p> <p>12 Q. No. Sorry. Let me clarify. I am</p> <p>13 generally not going to interrupt you. I'm</p> <p>14 sorry. I just don't want to make you have to</p> <p>15 go through all that again.</p> <p>16 Once a consumer -- once you are</p> <p>17 making applications to financial institutions</p> <p>18 and you get responses back from those</p> <p>19 financial institutions, who is the consumer</p> <p>20 going to talk to about those responses?</p> <p>21 A. The finance manager.</p> <p>22 Q. Would you be present for that as</p> <p>23 well, or just the finance manager?</p> <p>24 A. I was present.</p> <p>25 Q. Were you always present, or just some</p>	<p style="text-align: right;">Page 71</p> <p>1 S. Orsaris</p> <p>2 preparing the paperwork. The vehicle would be</p> <p>3 prepared. The factory time, literally</p> <p>4 additionally for COVID protection, especially</p> <p>5 on the interior of the vehicle, and just</p> <p>6 registration process. All those things would</p> <p>7 begin kind of simultaneously, for the most</p> <p>8 part.</p> <p>9 Q. What sort of paperwork would there be</p> <p>10 for the final sale?</p> <p>11 A. Purchase order, a bill of sale, a</p> <p>12 retail installment contract, any extended</p> <p>13 warranties, any additional products that were</p> <p>14 purchased, all the New York City Department of</p> <p>15 Consumer Affairs, now DCWP, paperwork as well,</p> <p>16 in addition to recall sheets, CarMax. I don't</p> <p>17 think I am missing anything, but that would be</p> <p>18 it.</p> <p>19 Q. What program would you use to create</p> <p>20 that paperwork?</p> <p>21 MR. GOODMAN: Object to the form.</p> <p>22 Q. Or programs, if there is more than</p> <p>23 one.</p> <p>24 MR. GOODMAN: Object to the form. Go</p> <p>25 ahead.</p>
<p style="text-align: right;">Page 70</p> <p>1 S. Orsaris</p> <p>2 times?</p> <p>3 A. Yes. Even now, I try to be present</p> <p>4 as frequently as possible. At that time I was</p> <p>5 definitely present.</p> <p>6 Q. What would that conversation look</p> <p>7 like?</p> <p>8 MR. GOODMAN: Form. Object to form</p> <p>9 of the question.</p> <p>10 A. It would be a discussion of all</p> <p>11 required city, state, and federal disclosures.</p> <p>12 Q. Would you discuss things like monthly</p> <p>13 payments?</p> <p>14 A. That was part of the city, state, and</p> <p>15 federal regulations. Yes.</p> <p>16 MR. GOODMAN: Let her finish first.</p> <p>17 Q. Based on that discussion that there</p> <p>18 were terms that were agreeable to the consumer,</p> <p>19 what would happen?</p> <p>20 A. We would proceed forward with the</p> <p>21 sale.</p> <p>22 Q. And what would that look like?</p> <p>23 MR. GOODMAN: What would that look</p> <p>24 like? Objection. Form.</p> <p>25 A. The finance manager would begin</p>	<p style="text-align: right;">Page 72</p> <p>1 S. Orsaris</p> <p>2 A. I would say 90 percent would</p> <p>3 Dealertrack, and some of the things like a</p> <p>4 CarMax would be on my website, CARFAX was on</p> <p>5 the website, and the warrantee administration</p> <p>6 website. And that should knock out -- and.</p> <p>7 Then -- I apologize. The DMV</p> <p>8 paperwork would be done, verified, on the New</p> <p>9 York State Department of Motor Vehicles</p> <p>10 website.</p> <p>11 MR. GOODMAN: I am going to step away</p> <p>12 for one second. Stay on the line.</p> <p>13 (Pause in the proceedings.)</p> <p>14 Q. During May of 2020, was Victory</p> <p>15 Mitsubishi accepting online applications for</p> <p>16 vehicles?</p> <p>17 MR. GOODMAN: Object to the form.</p> <p>18 You can answer.</p> <p>19 A. Online application, what is the</p> <p>20 definition of that?</p> <p>21 Q. Did Victory Mitsubishi have any</p> <p>22 application process through its website during</p> <p>23 May of 2020?</p> <p>24 MR. GOODMAN: Object to form. Go</p> <p>25 ahead.</p>

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<p style="text-align: right;">Page 73</p> <p>1 S. Orsaris</p> <p>2 A. Pre-qualification can be done on the</p> <p>3 website, but there was no remote sales being</p> <p>4 done.</p> <p>5 Q. I am sorry. What was that</p> <p>6 information from the online application used</p> <p>7 for?</p> <p>8 A. Pre-qualification.</p> <p>9 Q. Where would that information from the</p> <p>10 online application go in your computer systems?</p> <p>11 MR. GOODMAN: Object to the form.</p> <p>12 A. DealerSocket.</p> <p>13 Q. Can you search DealerSocket by</p> <p>14 customer name?</p> <p>15 MR. GOODMAN: Object to form. Time</p> <p>16 frame?</p> <p>17 Q. During May of 2020?</p> <p>18 A. Yes.</p> <p>19 Q. Could you search it by phone number?</p> <p>20 A. Yes.</p> <p>21 Q. Could you search it by email address?</p> <p>22 A. Yes.</p> <p>23 Q. Who trained you in how to use</p> <p>24 DealerSocket?</p> <p>25 A. DealerSocket? They trained me.</p>	<p style="text-align: right;">Page 75</p> <p>1 S. Orsaris</p> <p>2 Larchmont Mitsubishi?</p> <p>3 MR. GOODMAN: Object to form.</p> <p>4 A. I don't recall.</p> <p>5 Q. Did they use Dealertrack at Larchmont</p> <p>6 Mitsubishi?</p> <p>7 MR. GOODMAN: Form. Objection.</p> <p>8 A. Yes.</p> <p>9 Q. Whose decision was it to use</p> <p>10 Dealertrack at Larchmont Mitsubishi?</p> <p>11 A. Diane.</p> <p>12 Q. Who trained you in how to</p> <p>13 Dealertrack?</p> <p>14 A. Dealertrack.</p> <p>15 Q. Who arranged for the training by</p> <p>16 Dealertrack?</p> <p>17 MR. GOODMAN: Object to form.</p> <p>18 A. I did.</p> <p>19 Q. You arranged for the training at</p> <p>20 Larchmont Mitsubishi?</p> <p>21 A. No.</p> <p>22 Q. I see.</p> <p>23 A. I assumed you were speaking of</p> <p>24 May 2020 at Victory Mitsubishi, if that could</p> <p>25 just be stated.</p>
<p style="text-align: right;">Page 74</p> <p>1 S. Orsaris</p> <p>2 Q. There is a company called</p> <p>3 DealerSocket which trained you in how to use</p> <p>4 the software?</p> <p>5 A. Yes.</p> <p>6 Q. And who arranged that training?</p> <p>7 A. They did.</p> <p>8 Q. And that training was arranged when?</p> <p>9 A. At the inception of Victory</p> <p>10 Mitsubishi.</p> <p>11 Q. Was that training part of the</p> <p>12 purchase of DealerSocket software?</p> <p>13 A. Yes.</p> <p>14 Q. Who arranged for the purchase of the</p> <p>15 DealerSocket software?</p> <p>16 MR. GOODMAN: Object to form. Go</p> <p>17 ahead.</p> <p>18 A. I did.</p> <p>19 Q. Did they use DealerSocket at Victory</p> <p>20 Auto Group?</p> <p>21 A. Yes.</p> <p>22 Q. Whose decision was it to use</p> <p>23 DealerSocket at Victory Auto Group?</p> <p>24 A. Diane.</p> <p>25 Q. Did they use DealerSocket at</p>	<p style="text-align: right;">Page 76</p> <p>1 S. Orsaris</p> <p>2 Q. Sure. Let me clarify. Did you</p> <p>3 receive training on how to use Dealertrack when</p> <p>4 you worked at Larchmont Mitsubishi?</p> <p>5 A. Yes.</p> <p>6 Q. Who arranged for that training?</p> <p>7 MR. GOODMAN: Object to form.</p> <p>8 A. Diane.</p> <p>9 Q. That was training put on by</p> <p>10 Dealertrack as well?</p> <p>11 A. Yes.</p> <p>12 Q. Did someone from Dealertrack actually</p> <p>13 come into the dealership to give this training?</p> <p>14 A. Yes.</p> <p>15 Q. Just to clarify what you might have</p> <p>16 said in prior testimony, you arranged for a</p> <p>17 Dealertrack training at Victory Mitsubishi; is</p> <p>18 that correct?</p> <p>19 MR. GOODMAN: Object to form. Asked</p> <p>20 and answered. Go ahead.</p> <p>21 A. Yes.</p> <p>22 Q. Was that training at the inception of</p> <p>23 Victory Mitsubishi?</p> <p>24 A. Yes.</p> <p>25 Q. Have you trained any employees in how</p>

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1 S. Orsaris

2 to use Dealertrack after that training at the

3 inception of Victory Mitsubishi?

4 MR. GOODMAN: Can I have that

5 question read back?

6 (Record read.)

7 A. I did not conduct any single or sole

8 training for any employee. It was a group

9 training with myself and also our

10 representative from Dealertrack.

11 Q. If employees had questions about how

12 to use things in Dealertrack, who would they

13 ask?

14 A. Dealertrack.

15 Q. Was there like a help line, or is

16 there currently a help line for getting that

17 assistance?

18 A. Yes.

19 Q. And that was the case in May of 2020?

20 A. Yes.

21 Q. And the training that Dealertrack put

22 on at the inception of the Victory Mitsubishi,

23 did that include training as to the pulling of

24 credit reports?

25 A. When using the software, yes.

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1 S. Orsaris

2 Q. Who was trained in how to use the

3 Dealertrack software to pull credit reports?

4 MR. GOODMAN: Can I hear the question

5 again?

6 (Record read.)

7 MR. GOODMAN: Go ahead.

8 A. Back then or now? Can I have the

9 time frame, please?

10 Q. At the training during the inception

11 of Victory Mitsubishi.

12 A. Can I just hear the entire question

13 one more time? I kind of lost track.

14 (Record read.)

15 A. Myself and the finance managers.

16 Q. And when did David Perez receive

17 training on how to use Dealertrack to pull

18 credit reports?

19 A. During his training of becoming a

20 sales manager.

21 Q. And who gave that training?

22 A. Dealertrack.

23 Q. And when was that?

24 A. Spring of 2018.

25 Q. And that training would consist of

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1 S. Orsaris

2 showing the employees how to log into

3 Dealertrack in part, correct?

4 A. Yes.

5 Q. And showing them how to insert

6 information from the credit application to pull

7 the credit report, correct?

8 A. Yes.

9 Q. Did the training include information

10 about the permissible purposes for pulling

11 credit reports?

12 A. Yes.

13 Q. And what was that information?

14 MR. GOODMAN: Object to form. Go

15 ahead.

16 A. Can you rephrase that question?

17 Q. What information was provided during

18 the training about the permissible purposes for

19 pulling credit reports?

20 A. You would just have to -- it's part

21 of understanding the local, state, and federal

22 regulation regarding that, and we received

23 training on that.

24 Q. Did Dealertrack provide any physical

25 documents during these trainings?

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1 S. Orsaris

2 A. I don't recall.

3 Q. Do you have any physical documents

4 from Dealertrack like a handbook or a manual?

5 A. No.

6 Q. Do you have any electronic handbooks

7 or manuals or similar documents such as in a

8 PDF form?

9 A. Not in my possession.

10 Q. Video recordings are made of the

11 sales of the dealership, correct?

12 A. Yes.

13 Q. Are all sales recorded?

14 A. Yes.

15 Q. How long are those video recordings

16 retained?

17 MR. GOODMAN: Object. Form. Time

18 frame?

19 A. Whenever -- when is the time frame?

20 What are we talking?

21 Q. During May of 2020.

22 A. Thirty days.

23 Q. Is that the policy today?

24 A. No.

25 Q. What is the policy today?

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1 S. Orsaris

2 A. Depending where.

3 Q. To clarify, how long the video

4 recordings are retained depends on where they

5 are made; is that correct?

6 A. Presently, there is more -- there is

7 video or cameras for the lot, for our

8 merchandise, and then there is video cameras

9 inside of the finance offices. Finance offices

10 now go a year back, and the merchandise is 45

11 days.

12 Q. Why was the policy changed?

13 A. We were broken into a lot during June

14 of 2020, and most recently in January of 2022

15 six times.

16 Q. Did you report these break-ins to the

17 police?

18 A. Yes.

19 Q. To your knowledge, has anyone been

20 prosecuted for these break-ins?

21 A. Yes, I think. At least one instance,

22 I believe they were prosecuted.

23 Q. Was that one instance for the

24 break-ins in 2020 or the recent break-ins in

25 2022?

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1 S. Orsaris

2 A. I don't have specific knowledge on

3 the 2020 one, but I believe in one of the

4 January 2022 break-ins, I believe they were

5 prosecuted. They broke into seven places in

6 one evening, and they were arrested.

7 Q. When was the first of these

8 break-ins?

9 A. The first evening -- I can't tell you

10 the date specifically -- I would say the first

11 evening of when the city imposed a curfew back

12 in 2020.

13 Q. I see.

14 A. That evening or the following

15 evening, something like that.

16 Q. And when did you change the policy as

17 to the retention of video recordings?

18 A. February of this year.

19 Q. And that decision was made by you,

20 Stavros Orsaris?

21 A. Yes.

22 Q. Did you consult with Diane on making

23 that decision?

24 A. I informed her before I made the

25 decision.

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1 S. Orsaris

2 Q. Was this lawsuit a factor in making

3 that decision?

4 A. No. It was before.

5 Q. What do you mean by before?

6 A. February of 2021 is when I upgraded

7 all my software. My office was torn apart,

8 glass everywhere, so I said we have to install

9 more cameras. This has to stop.

10 Q. Who made the decision about the

11 retention of video recordings for 30 days back

12 when that policy was in effect?

13 A. I did.

14 Q. And did you consult with Diane in

15 making that decision?

16 A. I informed her that the decision was

17 made.

18 Q. And what was the basis for making the

19 decision to retain video recordings for 30

20 days?

21 A. My prior experience at Victory Auto

22 Group and Larchmont Mitsubishi, I never had to

23 refer to any video; never had any issues that

24 led me to leading to.

25 Q. So if I understand your testimony

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1 S. Orsaris

2 correctly, it wasn't necessary to retain video

3 recordings for more than 30 days because you

4 had not had to use those video recordings; is

5 that correct?

6 MR. GOODMAN: Objection. Form.

7 A. You can never really -- I had access

8 and never really felt the need to access my

9 video recordings. I never was asked to show my

10 video recordings, so I had it for 30 days.

11 MR. GOODMAN: When you reach a point

12 you are comfortable, if we could take a

13 five-minute break, please.

14 Q. Sure. Or we could break for lunch,

15 Mr. Orsaris, if you would like to do that,

16 whatever your preference is, but let me ask a

17 couple of questions.

18 MR. GOODMAN: That's fine. Go ahead.

19 Q. Is it your understanding that a

20 30-day retention of video recordings is

21 standard industry practice?

22 MR. GOODMAN: Objection. Form.

23 A. I have no knowledge as to what the

24 standard industry practice is when it comes to

25 video recordings.

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<p style="text-align: right;">Page 85</p> <p>1 S. Orsaris</p> <p>2 Q. Do you know of any dealership that</p> <p>3 retains video recordings for longer than 30</p> <p>4 days?</p> <p>5 MR. GOODMAN: Objection. Form.</p> <p>6 A. No.</p> <p>7 MR. GOODMAN: Again, time frame.</p> <p>8 MS. CATHERINE: Off the record.</p> <p>9 (Discussion off the record.)</p> <p>10 Q. You testified earlier, if I</p> <p>11 understand you correctly, that you had</p> <p>12 terminated employees based on performance; is</p> <p>13 that correct?</p> <p>14 MR. GOODMAN: Object to form. Asked</p> <p>15 and answered. Go ahead.</p> <p>16 A. I could, but maybe one or two</p> <p>17 instances in which I have.</p> <p>18 Q. And what would performance there mean</p> <p>19 other than the number of sales the employee</p> <p>20 made?</p> <p>21 A. Lack of being able to communicate</p> <p>22 with customers, management; making sure people</p> <p>23 are obtaining vehicles that match their wants</p> <p>24 and needs, listening; and providing good</p> <p>25 customer service.</p>	<p style="text-align: right;">Page 87</p> <p>1 S. Orsaris</p> <p>2 A. It varies.</p> <p>3 Q. Generally speaking.</p> <p>4 A. Under 70. Between 60 and 70</p> <p>5 depending on the season. There's a little bit</p> <p>6 of seasonality in automotive retail sales.</p> <p>7 Q. Do you get vacation, paid vacation?</p> <p>8 A. Yes.</p> <p>9 Q. How much paid vacation do you get per</p> <p>10 year?</p> <p>11 A. I don't know. I don't take many</p> <p>12 vacations.</p> <p>13 Q. When was the last vacation you took?</p> <p>14 A. May of this year.</p> <p>15 Q. How long were you on vacation?</p> <p>16 A. Four days.</p> <p>17 Q. During that time, if a customer came</p> <p>18 in with a complaint, who would they speak to?</p> <p>19 MR. GOODMAN: Objection. Go ahead.</p> <p>20 A. They would speak to a sales manager</p> <p>21 that I would allocate. They would work with</p> <p>22 me. I stay connected.</p> <p>23 Q. Have you ever represented yourself as</p> <p>24 the son of the owner of the dealership?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 86</p> <p>1 S. Orsaris</p> <p>2 Q. So something that would count against</p> <p>3 performance would be if a customer was upset at</p> <p>4 an employee for some reason; would that be</p> <p>5 right?</p> <p>6 MR. GOODMAN: Form. Objection.</p> <p>7 A. I mean, there hasn't been an instance</p> <p>8 of that, but that's definitely a possibility,</p> <p>9 but there is no specific instance of a customer</p> <p>10 being upset at a salesperson.</p> <p>11 Q. If a customer comes into the</p> <p>12 dealership upset about something, is there</p> <p>13 someone who they would be referred to</p> <p>14 automatically, or is it going to depend on what</p> <p>15 they are upset about?</p> <p>16 MR. GOODMAN: Objection. Form of the</p> <p>17 question.</p> <p>18 A. Every single upset customer would be</p> <p>19 referred directly to me.</p> <p>20 MR. GOODMAN: Again, time frame.</p> <p>21 Q. How often do you work? What is your</p> <p>22 general work schedule?</p> <p>23 A. Monday through Saturday, open to</p> <p>24 close.</p> <p>25 Q. How many hours is that in total?</p>	<p style="text-align: right;">Page 88</p> <p>1 S. Orsaris</p> <p>2 Q. Do Philip and Diane Argyropoulos have</p> <p>3 any children?</p> <p>4 MR. GOODMAN: Note my objection. Go</p> <p>5 ahead.</p> <p>6 A. Yes.</p> <p>7 Q. Do they work at the dealership?</p> <p>8 A. No.</p> <p>9 Q. How many children do they have?</p> <p>10 A. Three.</p> <p>11 Q. Do they have any sons?</p> <p>12 A. No.</p> <p>13 Q. So three daughters, correct?</p> <p>14 MR. GOODMAN: Asked and answered. Go</p> <p>15 ahead.</p> <p>16 A. Yes.</p> <p>17 Q. Has Chris Orsaris ever come into</p> <p>18 Victory Mitsubishi?</p> <p>19 A. Extremely infrequently.</p> <p>20 Q. What were the circumstances of him</p> <p>21 coming in?</p> <p>22 A. Inventory.</p> <p>23 Q. What do you mean by "inventory"?</p> <p>24 A. Seeing our vehicles.</p> <p>25 Q. So as a customer; is that right?</p>

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<p style="text-align: right;">Page 89</p> <p>1 S. Orsaris</p> <p>2 A. No.</p> <p>3 Q. No. Well, could you explain to me,</p> <p>4 then?</p> <p>5 A. He assists with inventory decisions.</p> <p>6 Q. But I thought he didn't work at</p> <p>7 Victory Mitsubishi. Why is he assisting with</p> <p>8 inventory decisions?</p> <p>9 MR. GOODMAN: Objection. Form.</p> <p>10 A. He does not work for Victory</p> <p>11 Mitsubishi.</p> <p>12 Q. Is that your entire answer?</p> <p>13 A. He doesn't work for Victory</p> <p>14 Mitsubishi, yeah.</p> <p>15 MS. CATHERINE: Can you read back the</p> <p>16 question, please?</p> <p>17 (Record read.)</p> <p>18 MR. GOODMAN: Objection to form.</p> <p>19 A. We consult -- that's myself, when I</p> <p>20 use the word "we" -- consult with Chris on our</p> <p>21 inventory. He is an independent buyer that we</p> <p>22 use to purchase vehicles.</p> <p>23 Q. I see. Does he receive compensation</p> <p>24 for that?</p> <p>25 MR. GOODMAN: Objection to the form.</p>	<p style="text-align: right;">Page 91</p> <p>1 S. Orsaris</p> <p>2 MR. GOODMAN: Object to form.</p> <p>3 A. I am not Diane.</p> <p>4 Q. So I would have to ask Diane, is what</p> <p>5 you are saying?</p> <p>6 A. Yes.</p> <p>7 Q. Were you involved in the decision to</p> <p>8 retain Chris's services?</p> <p>9 A. No.</p> <p>10 Q. Did you introduce Chris to Diane?</p> <p>11 MR. GOODMAN: Object to form. Go</p> <p>12 ahead.</p> <p>13 A. No.</p> <p>14 Q. Do you know how they met?</p> <p>15 A. No.</p> <p>16 Q. Do you know when they met?</p> <p>17 A. No.</p> <p>18 Q. Did Chris provide these services for</p> <p>19 Victory Auto Group?</p> <p>20 A. Yes.</p> <p>21 Q. Did Chris provide these services for</p> <p>22 Larchmont Mitsubishi?</p> <p>23 A. I can't recall.</p> <p>24 Q. Was Chris Orsaris the one who told</p> <p>25 you about the open position that you applied</p>
<p style="text-align: right;">Page 90</p> <p>1 S. Orsaris</p> <p>2 A. I don't know the structure of his</p> <p>3 compensation. I do know it's per vehicle</p> <p>4 purchase.</p> <p>5 Q. And who would know that?</p> <p>6 A. Diane.</p> <p>7 Q. Does Chris perform this service</p> <p>8 through a company?</p> <p>9 A. Yes.</p> <p>10 Q. And what is the name of that company?</p> <p>11 A. I don't know.</p> <p>12 Q. Is there a contract between Chris and</p> <p>13 Victory Mitsubishi?</p> <p>14 MR. GOODMAN: Objection to the form.</p> <p>15 A. I don't know.</p> <p>16 Q. Has Chris provided this service since</p> <p>17 the inception of Victory Mitsubishi?</p> <p>18 A. Yes.</p> <p>19 Q. And you are aware of your father's</p> <p>20 criminal history, correct?</p> <p>21 MR. GOODMAN: Objection to the form.</p> <p>22 A. Yes.</p> <p>23 Q. And Diane didn't have any issue with</p> <p>24 that prior criminal history in retaining his</p> <p>25 services?</p>	<p style="text-align: right;">Page 92</p> <p>1 S. Orsaris</p> <p>2 for at Larchmont Mitsubishi?</p> <p>3 MR. GOODMAN: Objection to form.</p> <p>4 Mischaracterizes. Go ahead.</p> <p>5 A. No.</p> <p>6 Q. When you worked at Larchmont</p> <p>7 Mitsubishi, were you given any trainings on</p> <p>8 preventing identity theft?</p> <p>9 A. During my training with Dealertrack</p> <p>10 there was thorough discussion regarding prior</p> <p>11 to running credit, what you should look out</p> <p>12 for.</p> <p>13 Q. When you say "what to look out for,"</p> <p>14 you mean -- well, what do you mean by that?</p> <p>15 A. Quality of the driver's license,</p> <p>16 quality of the information that was provided on</p> <p>17 the credit application, the intuition that is</p> <p>18 required to kind of see if maybe somebody is</p> <p>19 trying to do something, you have a criminal in</p> <p>20 front of you, and keep your eyes peeled. I was</p> <p>21 told that can potentially happen. And then I</p> <p>22 remember receiving training on the tools that</p> <p>23 Dealertrack does have to help prevent identity</p> <p>24 theft.</p> <p>25 Q. Were similar trainings given when</p>

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1 S. Orsaris

2 Dealertrack gave trainings at Victory Auto

3 Group and Victory Mitsubishi?

4 A. Yes.

5 Q. Does Victory Mitsubishi verify

6 driver's licenses?

7 MR. GOODMAN: Objection to form.

8 A. What is your definition of verifying

9 licenses?

10 Q. Do you have an answer to the

11 question, or would you like me to rephrase the

12 question?

13 A. Are you asking me if I scan IDs?

14 Verification, what is the definition of

15 verification in the context of the question you

16 asked?

17 Q. I know it's natural when you are

18 having a conversation with a person that you

19 might ask them questions, but I just ask you to

20 either answer the question or ask me to

21 rephrase the question.

22 MR. GOODMAN: Note my objection to

23 that.

24 A. I verify personally the driver's

25 license to the extent that I could.

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1 S. Orsaris

2 Q. And how do you do that?

3 A. I actually see the physical ID, the

4 physical driver's license, and the copy, in

5 case there is any watermarks and things like

6 that that should be transferred over.

7 Different states have different watermarks and

8 things like that. New York State has its own,

9 Connecticut has its own, New Jersey has its

10 own, so on and so forth.

11 Q. When you are looking at the driver's

12 license, what sort of things are you looking

13 for? You mentioned quality. What do you mean

14 by that?

15 A. Make sure it's real. That's the

16 first thing that I would do.

17 Q. And how would you be able to tell

18 that it's real?

19 A. Every state has its own watermarks or

20 security provisions or security measure on

21 their identification. New York has its own.

22 They recently changed theirs, and I know how I

23 should be looking at the license to tell

24 whether it is real or not.

25 Q. Other than confirming that the

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1 S. Orsaris

2 driver's license is real, is there anything

3 else you do in terms of verifying the driver's

4 license?

5 A. The picture, make sure it matches up

6 with the person that's in the building.

7 Q. I know this might sound like a silly

8 question, but how do you do that? Do you hold

9 it up? What do you do specifically?

10 A. I could hold it up if I needed to,

11 but I don't recall a situation in which I did.

12 Q. Would you look at the picture on the

13 driver's license, look at the consumer in front

14 of you, and confirm that it appears to be the

15 same person?

16 MR. GOODMAN: Object to the form.

17 A. And then you also cross reference

18 that license, make sure the spelling and

19 everything you put on the credit application is

20 accurate, date of birth.

21 One thing I do pay extra attention

22 to is the address.

23 Q. What if the address on the driver's

24 license doesn't match the address on the credit

25 application?

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1 S. Orsaris

2 A. Let's not run the credit just yet.

3 Let's have a conversation with the consumer.

4 Q. Have there been any instances of

5 identity theft happening at Victory Mitsubishi?

6 MR. GOODMAN: Object to the form.

7 You can answer.

8 A. No.

9 Q. Have police officers ever come into

10 Victory Mitsubishi to speak with you as general

11 manager of Victory Mitsubishi?

12 MR. GOODMAN: Ever? Object to form.

13 Go ahead.

14 A. Yeah. I was broken into a couple of

15 times.

16 Q. Other than during those break-ins.

17 A. I can't recall, no.

18 Q. Has Diane ever told you that she has

19 spoken with a police officer about something

20 regarding Victory Mitsubishi?

21 MR. GOODMAN: Object to form. Go

22 ahead.

23 A. When we had the break-ins.

24 Q. Other than the break-ins?

25 A. Can't recall an instance of her

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<p style="text-align: right;">Page 97</p> <p>1 S. Orsaris</p> <p>2 speaking with me about that.</p> <p>3 Q. Did a consumer ever tell you that a</p> <p>4 vehicle was sold or financed in their name</p> <p>5 without their authorization?</p> <p>6 MR. GOODMAN: Object to the form.</p> <p>7 You can answer.</p> <p>8 A. Other than this case, situation, no.</p> <p>9 Q. I would like you to take a look at</p> <p>10 what I am going to have marked as Exhibit 28,</p> <p>11 which is Bates stamped Subpoena Responses 463</p> <p>12 to 484.</p> <p>13 When I say Bates stamped, that means</p> <p>14 there is something on the bottom of the page</p> <p>15 that says Subpoena Responses 463, Subpoena</p> <p>16 Responses 464, and so on.</p> <p>17 Just let me know when you have that</p> <p>18 document in front of you.</p> <p>19 (Subpoena responses, Bates stamp 463</p> <p>20 to 484, marked Defendants' Exhibit 28.)</p> <p>21 A. I have it in front of me.</p> <p>22 Q. What are these documents?</p> <p>23 MR. GOODMAN: Take a look at it.</p> <p>24 Take your time.</p> <p>25 Q. Take your time, please.</p>	<p style="text-align: right;">Page 99</p> <p>1 S. Orsaris</p> <p>2 Q. I won't tell on you when I depose him</p> <p>3 that you can't read his handwriting, but it</p> <p>4 seems to me from what I could read that it says</p> <p>5 DLR PRINC. Does that seem like a reasonable</p> <p>6 interpretation?</p> <p>7 MR. GOODMAN: Object to the form. Go</p> <p>8 ahead.</p> <p>9 A. I can't say for sure.</p> <p>10 Q. It seems like his title here is</p> <p>11 dealer principal. Why would his title be</p> <p>12 listed as dealer principal?</p> <p>13 MR. GOODMAN: Object to the form.</p> <p>14 A. I don't know.</p> <p>15 Q. Go back to the page Bates stamped</p> <p>16 Subpoena Responses 464, please.</p> <p>17 A. Okay.</p> <p>18 Q. You see at the top of this page an</p> <p>19 item that says ownership of dealer?</p> <p>20 A. Yeah.</p> <p>21 Q. And that lists Diane Argyropoulos and</p> <p>22 Philip Argyropoulos; is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. And you previously testified that</p> <p>25 Diane was the owner of Victory Mitsubishi; is</p>
<p style="text-align: right;">Page 98</p> <p>1 S. Orsaris</p> <p>2 (Pause in the proceedings.)</p> <p>3 A. This is the Dealer Sales and Service</p> <p>4 Agreement between Spartan Auto Group LLC and</p> <p>5 Mitsubishi of North America.</p> <p>6 Q. Were you, Stavros Orsaris, involved</p> <p>7 with the negotiation or the execution of these</p> <p>8 agreements?</p> <p>9 A. No.</p> <p>10 Q. Did you review these documents in</p> <p>11 preparation for your deposition today?</p> <p>12 A. No.</p> <p>13 Q. Have you seen these documents prior</p> <p>14 to today?</p> <p>15 A. No.</p> <p>16 Q. Turn to the page Subpoena Responses</p> <p>17 468, please. Why was this agreement signed by</p> <p>18 Philip Argyropoulos?</p> <p>19 A. You would have to ask Philip</p> <p>20 Argyropoulos.</p> <p>21 Q. So you do not know why it was signed</p> <p>22 by Philip Argyropoulos; is that correct?</p> <p>23 A. I do not know.</p> <p>24 Q. What does it say there for his title?</p> <p>25 A. I can't make it out.</p>	<p style="text-align: right;">Page 100</p> <p>1 S. Orsaris</p> <p>2 that correct?</p> <p>3 A. She is the owner of Victory</p> <p>4 Mitsubishi, yes.</p> <p>5 Q. And you previously testified that</p> <p>6 Philip was not the owner of Victory Mitsubishi;</p> <p>7 is that correct?</p> <p>8 MR. GOODMAN: Object to form. Go</p> <p>9 ahead.</p> <p>10 A. He is not the owner of Victory</p> <p>11 Mitsubishi.</p> <p>12 Q. So why is he listed here as an owner</p> <p>13 of Victory Mitsubishi?</p> <p>14 MR. GOODMAN: Object to form.</p> <p>15 A. I don't know.</p> <p>16 Q. His title here is listed as manager.</p> <p>17 Why is Philip Argyropoulos listed as a manager</p> <p>18 of Victory Mitsubishi?</p> <p>19 A. I don't know. It is my understanding</p> <p>20 that Diane Argyropoulos is 100 percent owner of</p> <p>21 Victory Mitsubishi.</p> <p>22 Q. Was that the case when Victory</p> <p>23 Mitsubishi started?</p> <p>24 MR. GOODMAN: Object to form. Go</p> <p>25 ahead.</p>

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<p style="text-align: right;">Page 101</p> <p>1 S. Orsaris</p> <p>2 A. I don't know.</p> <p>3 Q. If I understand your testimony</p> <p>4 correctly, it has been your understanding that</p> <p>5 Diane has been the only owner of Victory</p> <p>6 Mitsubishi; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. It says here under the column</p> <p>9 Involvement in Management, it lists as active</p> <p>10 for Philip Argyropoulos. Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. And you previously testified that you</p> <p>13 have not seen Philip Argyropoulos in the</p> <p>14 dealership; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. So why is he listed as actively</p> <p>17 involved in the management of the dealership</p> <p>18 when the dealership's general manager has never</p> <p>19 seen him in the dealership?</p> <p>20 MR. GOODMAN: Object to form of the</p> <p>21 question.</p> <p>22 A. Diane is the only one that's</p> <p>23 involved, is 100 percent owner, is my</p> <p>24 understanding, of Victory Mitsubishi.</p> <p>25 Q. So you don't know why it lists Philip</p>	<p style="text-align: right;">Page 103</p> <p>1 S. Orsaris</p> <p>2 stamped Subpoena Responses 480, please.</p> <p>3 A. Okay.</p> <p>4 Q. This page shows Diane as the sole</p> <p>5 owner in the agreement with Mitsubishi on</p> <p>6 September 20, 2022, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know when this lawsuit was</p> <p>9 filed?</p> <p>10 A. Not the specific date, but the month.</p> <p>11 Q. What is your understanding?</p> <p>12 A. May.</p> <p>13 Q. The ownership was changed in this</p> <p>14 agreement because of the lawsuit, correct?</p> <p>15 MR. GOODMAN: Object to form. Also</p> <p>16 argumentative, but objection.</p> <p>17 A. The answer is definitively no.</p> <p>18 Q. I thought you said you weren't</p> <p>19 involved with the negotiation and execution of</p> <p>20 this agreement, of these agreements. Excuse</p> <p>21 me.</p> <p>22 MR. GOODMAN: Object to form.</p> <p>23 A. I have strong relationships with many</p> <p>24 folks at Mitsubishi. I don't have these</p> <p>25 contracts, but I understand what's going on. I</p>
<p style="text-align: right;">Page 102</p> <p>1 S. Orsaris</p> <p>2 as actively involved in management here?</p> <p>3 MR. GOODMAN: Object to the form.</p> <p>4 A. I don't know why.</p> <p>5 Q. David Perez testified on Monday that</p> <p>6 he didn't know Diane Argyropoulos. Why didn't</p> <p>7 he know Diane Argyropoulos?</p> <p>8 MR. GOODMAN: Objection. Form.</p> <p>9 Mischaracterizes.</p> <p>10 A. Chain of command. I was David's</p> <p>11 direct supervisor.</p> <p>12 Q. So Diane doesn't deal with any of the</p> <p>13 employees of the dealership besides yourself;</p> <p>14 is that correct?</p> <p>15 MR. GOODMAN: Objection. Form.</p> <p>16 A. I managed all the employees of</p> <p>17 Victory Mitsubishi.</p> <p>18 MS. CATHERINE: Could you read back</p> <p>19 the question, please?</p> <p>20 (Record read.)</p> <p>21 Q. Yes or no?</p> <p>22 A. Diane has the ability to. I am sure</p> <p>23 she has. I do the majority of the dealing with</p> <p>24 the employees at Victory Mitsubishi.</p> <p>25 Q. Could you turn to the page Bates</p>	<p style="text-align: right;">Page 104</p> <p>1 S. Orsaris</p> <p>2 have a very strong relationship with senior</p> <p>3 management team at Mitsubishi North America.</p> <p>4 Q. You say that, but you didn't seem to</p> <p>5 be aware that Philip Argyropoulos was listed as</p> <p>6 an owner and active manager of the dealer in</p> <p>7 prior agreements.</p> <p>8 MR. GOODMAN: Object to the form.</p> <p>9 Q. Why is that?</p> <p>10 MR. GOODMAN: Objection. Form.</p> <p>11 A. What is your question again? Can you</p> <p>12 rephrase it?</p> <p>13 Q. If you are aware based on your</p> <p>14 relationships with Mitsubishi senior management</p> <p>15 team, why were you not aware that Philip</p> <p>16 Argyropoulos was listed as an owner and active</p> <p>17 manager of Spartan Auto Group LLC?</p> <p>18 MR. GOODMAN: Object to the form of</p> <p>19 the question.</p> <p>20 A. I manage the general operation, and</p> <p>21 the relationship between Mitsubishi and Spartan</p> <p>22 Auto Group LLC, I don't think that ever came up</p> <p>23 in conversation.</p> <p>24 Q. What do you remember about the</p> <p>25 investigation and subsequent lawsuit against</p>

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<p style="text-align: right;">Page 105</p> <p>1 S. Orsaris</p> <p>2 Victory Auto Group by the New York Attorney</p> <p>3 General?</p> <p>4 MR. GOODMAN: Note my objection. At</p> <p>5 this point if you want to call it a talking</p> <p>6 objection, you can, but we probably should call</p> <p>7 the court. That subject is the subject of a</p> <p>8 motion pending before the Court. We moved to</p> <p>9 strike those allegations from the complaint,</p> <p>10 and I therefore submit that that is not an</p> <p>11 appropriate line of questioning for this</p> <p>12 deposition, and particularly this witness.</p> <p>13 MS. CATHERINE: Sure. Does anyone</p> <p>14 remember off the top of their head when the</p> <p>15 Court says they are not available -- I have it</p> <p>16 right here. They are not available</p> <p>17 between 12:30 and 1:30, so it looks like we</p> <p>18 probably wouldn't be able to reach them right</p> <p>19 now.</p> <p>20 Let's get the Court on the phone</p> <p>21 after we take our lunch, and for now I will</p> <p>22 move on, we will return to this issue after</p> <p>23 lunch.</p> <p>24 MR. GOODMAN: Just for clarity, when</p> <p>25 we talk to the Court, I understand that --</p>	<p style="text-align: right;">Page 107</p> <p>1 S. Orsaris</p> <p>2 based on the word "account." If it is case, I</p> <p>3 have no objection.</p> <p>4 A. Was it account?</p> <p>5 Q. It was account.</p> <p>6 MR. GOODMAN: Object to form if</p> <p>7 that's going to stand as the question.</p> <p>8 MS. CATHERINE: Yes.</p> <p>9 A. I have recollection, a little bit of</p> <p>10 recollection, of the day they bought the car;</p> <p>11 our conversations with them when they came back</p> <p>12 to re-sign; and, in addition, I vividly</p> <p>13 remember when she visited the dealership to let</p> <p>14 us know something happened.</p> <p>15 Q. When you say "when they came in," who</p> <p>16 are you referring to?</p> <p>17 A. In which part?</p> <p>18 Q. Let's start from the beginning.</p> <p>19 A. I remember this vehicle being sold in</p> <p>20 the beginning. I have a recollection of them</p> <p>21 visiting the facility again in June, and then I</p> <p>22 have a recollection of when she came in</p> <p>23 September.</p> <p>24 MS. CATHERINE: Could you read back my</p> <p>25 question, please.</p>
<p style="text-align: right;">Page 106</p> <p>1 S. Orsaris</p> <p>2 well, I am asking, do you intend to inquire as</p> <p>3 to the other allegations in the complaint about</p> <p>4 other --</p> <p>5 MS. CATHERINE: Let's just do all of</p> <p>6 them. I actual am not sure whether I am going</p> <p>7 to, but just in case it does come up for</p> <p>8 questioning somehow, let's just put that all</p> <p>9 before the Court together at the same time.</p> <p>10 Q. Mr. Orsaris, what do you remember</p> <p>11 about the Farah Jean Francois account?</p> <p>12 MR. GOODMAN: Object to the form. Go</p> <p>13 ahead.</p> <p>14 A. Repeat the question, please.</p> <p>15 Q. Let me rephrase the question. Well,</p> <p>16 did you not hear me, or did you want me to</p> <p>17 rephrase?</p> <p>18 A. I didn't hear you.</p> <p>19 MS. CATHERINE: Read it back, please.</p> <p>20 (Record read.)</p> <p>21 MR. GOODMAN: Was the question "case"</p> <p>22 or "account"?</p> <p>23 MS. CATHERINE: I believe I said</p> <p>24 "account."</p> <p>25 MR. GOODMAN: The form objection was</p>	<p style="text-align: right;">Page 108</p> <p>1 S. Orsaris</p> <p>2 (Record read.)</p> <p>3 A. Emmanuel Laforest and what I would</p> <p>4 presume is Farah Francois.</p> <p>5 Q. When was that?</p> <p>6 A. May 30th and -- I don't have the</p> <p>7 paper in front of me, but I think June 29th is</p> <p>8 when they came back again.</p> <p>9 Q. So it was two people, Emmanuel</p> <p>10 Laforest and Farah Jean Francois; is that</p> <p>11 correct?</p> <p>12 MR. GOODMAN: Object to form.</p> <p>13 A. My recollection of the documentation</p> <p>14 that I collected that day, and my policies and</p> <p>15 procedures that I have inside Victory</p> <p>16 Mitsubishi, those two were present, yes.</p> <p>17 Q. Do you remember seeing them, or you</p> <p>18 are just basing this on your review of the</p> <p>19 documentation?</p> <p>20 A. Based on the visit in September. I</p> <p>21 do have a recollection of events that occurred</p> <p>22 on 5/30 and 6/29.</p> <p>23 Q. I am not sure that answered my</p> <p>24 question. Do you remember seeing Emmanuel</p> <p>25 Laforest on May 30th, 2020?</p>

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<p style="text-align: right;">Page 109</p> <p>1 S. Orsaris</p> <p>2 A. I don't have a specific recollection</p> <p>3 of him being there, but based on the policies</p> <p>4 and procedures that I have in place, the</p> <p>5 documentation that was collected, two people</p> <p>6 were present, which I would presume is Emmanuel</p> <p>7 Laforest and Farah Francois.</p> <p>8 Q. Did you ever see Mr. Laforest outside</p> <p>9 of May 30th and June 29th?</p> <p>10 A. No.</p> <p>11 MR. GOODMAN: Object to form. Go</p> <p>12 ahead. He answered.</p> <p>13 Q. What does Mr. Laforest look like?</p> <p>14 A. I can't describe him.</p> <p>15 Q. Do you remember anything about him</p> <p>16 physically?</p> <p>17 A. No.</p> <p>18 Q. Do you remember the first time that</p> <p>19 Mr. Laforest contacted Victory Mitsubishi?</p> <p>20 A. I wasn't involved when he initially</p> <p>21 inquired about the car before May 30th.</p> <p>22 Q. And who was involved with that?</p> <p>23 A. One of our business development</p> <p>24 center associates that he was speaking to when</p> <p>25 he inquired about a car.</p>	<p style="text-align: right;">Page 111</p> <p>1 S. Orsaris</p> <p>2 initial lead when they inquired about the car,</p> <p>3 where they found the vehicle, which website, so</p> <p>4 on and so forth.</p> <p>5 Q. All right, great.</p> <p>6 MS. CATHERINE: We are going to call</p> <p>7 for the production of the customer profiles on</p> <p>8 DealerSocket of Emmanuel Laforest, Farah Jean</p> <p>9 Francois, Jami Singer, and any other customer</p> <p>10 profiles related to the sale of the vehicle.</p> <p>11 MR. GOODMAN: Take it under</p> <p>12 advisement. I believe it has been disclosed.</p> <p>13 THE WITNESS: That has been sent.</p> <p>14 MR. GOODMAN: But to the extent that</p> <p>15 they weren't -- I am pretty sure they were --</p> <p>16 take it under advisement.</p> <p>17 Q. Victory Mitsubishi accepts online</p> <p>18 applications for cars from websites like</p> <p>19 cars.com and Edmunds, correct?</p> <p>20 MR. GOODMAN: Object to form. Go</p> <p>21 ahead.</p> <p>22 A. On an application as in filling out</p> <p>23 personal credit information, to my knowledge,</p> <p>24 no.</p> <p>25 Q. What about leads?</p>
<p style="text-align: right;">Page 110</p> <p>1 S. Orsaris</p> <p>2 Q. How did they communicate?</p> <p>3 A. Via phone, like a phone call, in</p> <p>4 addition to text messages.</p> <p>5 Q. How many phone calls were there?</p> <p>6 A. I can't recall, but may have been a</p> <p>7 few.</p> <p>8 Q. How do you know that they spoke with</p> <p>9 him on the phone?</p> <p>10 A. Information is on DealerSocket.</p> <p>11 Q. How do you see that on DealerSocket?</p> <p>12 MR. GOODMAN: Object to the form.</p> <p>13 A. Search the name.</p> <p>14 Q. So you searched Emmanuel Laforest,</p> <p>15 and what would come up when you searched for</p> <p>16 Emmanuel Laforest?</p> <p>17 MR. GOODMAN: Object to the form.</p> <p>18 A. The customer profile.</p> <p>19 Q. What does the customer profile</p> <p>20 include?</p> <p>21 A. All communication.</p> <p>22 Q. And that would include phone calls?</p> <p>23 A. Phone calls, text messages, emails,</p> <p>24 and general emails about our inventory, the</p> <p>25 vehicle that they were interested in, the</p>	<p style="text-align: right;">Page 112</p> <p>1 S. Orsaris</p> <p>2 A. For a first name, optional last name,</p> <p>3 phone number or email.</p> <p>4 Q. Are there any other websites that</p> <p>5 provide leads to Victory Mitsubishi?</p> <p>6 MR. GOODMAN: Other than --</p> <p>7 Q. Other than cars.com and Edmunds?</p> <p>8 A. CarGurus. TrueCar as well, and</p> <p>9 Capital One has a listing on their own website.</p> <p>10 That's all I can recall at the time. I don't</p> <p>11 know if there's another one.</p> <p>12 MS. CATHERINE: Off the record.</p> <p>13 (Discussion off the record.)</p> <p>14 Q. What do you remember about the leads</p> <p>15 that Victory Mitsubishi received from Mr.</p> <p>16 Laforest?</p> <p>17 MR. GOODMAN: Object to form. Go</p> <p>18 ahead.</p> <p>19 A. I do not review the leads that come</p> <p>20 into the dealership, so I did not review that</p> <p>21 lead.</p> <p>22 Q. Did you review the leads in</p> <p>23 preparation for your deposition today?</p> <p>24 A. No.</p> <p>25 Q. When Victory Mitsubishi receives a</p>

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<p style="text-align: right;">Page 113</p> <p>1 S. Orsaris</p> <p>2 lead from one of these websites, what happens</p> <p>3 generally?</p> <p>4 A. The DealerSocket software will notify</p> <p>5 the business development center team at Victory</p> <p>6 Mitsubishi that so and so has contacted for</p> <p>7 information and has potential interest in a</p> <p>8 vehicle, and then our team would call, gauge</p> <p>9 interest, especially during that period of</p> <p>10 time; see if they have any level of intent to</p> <p>11 purchase. Have a conversation, answer any</p> <p>12 questions, and write them in whenever worked</p> <p>13 best for them.</p> <p>14 MS. CATHERINE: I am about to get into</p> <p>15 another document, so I think we should go ahead</p> <p>16 and break for lunch.</p> <p>17 (A luncheon recess was taken.)</p> <p>18 Q. What do you remember about the</p> <p>19 investigation and subsequent lawsuit against</p> <p>20 Victory Auto Group by the New York Attorney</p> <p>21 General?</p> <p>22 A. I have -- I don't know. I was in</p> <p>23 college when it was going on.</p> <p>24 Q. Were you provided notice of the order</p> <p>25 in the New York Attorney General lawsuit on</p>	<p style="text-align: right;">Page 115</p> <p>1 S. Orsaris</p> <p>2 Q. Did you review the settlement in</p> <p>3 preparation for your deposition today?</p> <p>4 A. No.</p> <p>5 Q. Were you aware that the settlement</p> <p>6 allowed a confession of judgment to be entered</p> <p>7 against Philip Argyropoulos personally if</p> <p>8 defendants failed to make payments pursuant to</p> <p>9 the stipulation?</p> <p>10 MR. GOODMAN: Objection. Form.</p> <p>11 A. I don't know.</p> <p>12 Q. You don't know if you were aware of</p> <p>13 that or not?</p> <p>14 MR. GOODMAN: Objection. Form.</p> <p>15 A. I don't know.</p> <p>16 Q. Why would Mr. Argyropoulos agree to</p> <p>17 allow a confession of judgment to be entered</p> <p>18 against him personally if Victory Auto Group</p> <p>19 failed to make payments pursuant to the</p> <p>20 settlement stipulation with the New York</p> <p>21 Attorney General?</p> <p>22 MR. GOODMAN: Objection. Form.</p> <p>23 A. I am not Phil Argyropoulos, so I do</p> <p>24 not know.</p> <p>25 Q. Were you questioned by the New York</p>
<p style="text-align: right;">Page 114</p> <p>1 S. Orsaris</p> <p>2 August 10, 2018?</p> <p>3 A. By who?</p> <p>4 Q. Again, Mr. Orsaris, if you could</p> <p>5 please just answer the question or ask me to</p> <p>6 rephrase the question.</p> <p>7 MR. GOODMAN: Object to the form of</p> <p>8 that question.</p> <p>9 A. I don't know.</p> <p>10 Q. You don't know if you were ever</p> <p>11 provided notice of that order?</p> <p>12 MR. GOODMAN: Asked and answered.</p> <p>13 Object to form.</p> <p>14 A. I don't recall.</p> <p>15 Q. When did you learn about the</p> <p>16 stipulation to settle that lawsuit entered into</p> <p>17 on April 4, 2019?</p> <p>18 MR. GOODMAN: Object to the form of</p> <p>19 the question.</p> <p>20 A. I don't recall.</p> <p>21 Q. Were you aware of this settlement</p> <p>22 prior to this deposition?</p> <p>23 MR. GOODMAN: Object to the form. Go</p> <p>24 ahead.</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 116</p> <p>1 S. Orsaris</p> <p>2 Attorney General's office in the course of the</p> <p>3 investigation of the lawsuit?</p> <p>4 A. No.</p> <p>5 Q. Do you know anyone who was questioned</p> <p>6 in the course of the investigation or the</p> <p>7 lawsuit?</p> <p>8 MR. GOODMAN: Object to form.</p> <p>9 MS. CATHERINE: Strike that question.</p> <p>10 Q. Were you aware of anyone being</p> <p>11 questioned in the course of the investigation</p> <p>12 or lawsuit by the New York Attorney General?</p> <p>13 A. No.</p> <p>14 MR. GOODMAN: Object to form. You've</p> <p>15 got to let me object.</p> <p>16 A. No, I was not aware.</p> <p>17 Q. Were any employees at Victory</p> <p>18 Mitsubishi fired based on the results of the</p> <p>19 investigation or lawsuit by the New York</p> <p>20 Attorney General?</p> <p>21 MR. GOODMAN: Object to form.</p> <p>22 A. No.</p> <p>23 Q. Did Diane ever speak to you about the</p> <p>24 investigation and lawsuit by the New York</p> <p>25 Attorney General?</p>

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<p>Page 117</p> <p>1 S. Orsaris</p> <p>2 MR. GOODMAN: Objection. Form.</p> <p>3 A. No.</p> <p>4 Q. Would you take a look at Exhibit 19,</p> <p>5 Bates stamped Defendants 49 through 69.</p> <p>6 COURT REPORTER: Off the record.</p> <p>7 (Discussion off the record.)</p> <p>8 Q. Mr. Orsaris, what is this document?</p> <p>9 A. It is a printout of the customer</p> <p>10 profile that we have for Farah Francois.</p> <p>11 Q. How do you know that?</p> <p>12 A. I was the -- I know what the</p> <p>13 DealerSocket customer profile looks like.</p> <p>14 Q. So the customer profile on</p> <p>15 DealerSocket is going to have work notes at the</p> <p>16 top like this document does, correct?</p> <p>17 A. It takes the profile and spits it out</p> <p>18 in this form, produces it in this form; all the</p> <p>19 communication.</p> <p>20 Q. I see. So there is some sort of</p> <p>21 print function on DealerSocket, and you do</p> <p>22 that, and then it gives you this document?</p> <p>23 A. Yes.</p> <p>24 Q. When you print a customer profile on</p> <p>25 DealerSocket, does it give you options of how</p>	<p>Page 119</p> <p>1 S. Orsaris</p> <p>2 that at on August 22, 2022, the account was</p> <p>3 assigned to Nicole Gonzalez?</p> <p>4 A. Nicole Gonzalez is an assistant</p> <p>5 business development center manager, and in</p> <p>6 these emails it says her name throughout the</p> <p>7 entire time, so that's why it says her name on</p> <p>8 it. She's the one that produces these</p> <p>9 generalized emails and assigns these emails to</p> <p>10 be sent.</p> <p>11 Q. Is there a way to see who was</p> <p>12 assigned to the Farah Francois account</p> <p>13 throughout its history on DealerSocket?</p> <p>14 MR. GOODMAN: Object to the form.</p> <p>15 You can answer.</p> <p>16 A. It was assigned to someone until a</p> <p>17 purchase. That's how it works. When the time</p> <p>18 hits the generalized section, like it is in</p> <p>19 now, it just receives periodic emails every so</p> <p>20 often.</p> <p>21 Q. I think the answer to that question</p> <p>22 is no, there wasn't a way to see who was</p> <p>23 assigned to the account on DealerSocket in the</p> <p>24 past; is that correct?</p> <p>25 MR. GOODMAN: Object to the form as</p>
<p>Page 118</p> <p>1 S. Orsaris</p> <p>2 much of the profile you can print?</p> <p>3 A. No.</p> <p>4 Q. No. There's just a single option to</p> <p>5 print; is that right?</p> <p>6 A. Yes.</p> <p>7 Q. At the top of this first page it</p> <p>8 says, "Assigned to: All good luck." What does</p> <p>9 that mean?</p> <p>10 A. Generalized -- after a certain point,</p> <p>11 the customer profile kind of hits this where it</p> <p>12 received the emails it received, and just</p> <p>13 trying to have some sort of repeat business, so</p> <p>14 there is no one assigned to this customer</p> <p>15 profile anymore.</p> <p>16 On a normal basis, if someone were</p> <p>17 to respond to one of these emails, it would</p> <p>18 generally lead to it being assigned to a</p> <p>19 person that works for the business development</p> <p>20 center.</p> <p>21 Q. So, for example, if we look at the</p> <p>22 entry on August 24, 2022 at 3:27 p.m., that has</p> <p>23 SYS written next to the time stamp, and then</p> <p>24 the next entry down has Nicole Gonzalez written</p> <p>25 next to the time stamp. Would that indicate</p>	<p>Page 120</p> <p>1 S. Orsaris</p> <p>2 to "assigned," but go ahead.</p> <p>3 A. The team is assigned to it, the</p> <p>4 entire team is assigned to it. No singular</p> <p>5 person, per se.</p> <p>6 Q. I guess I am a little confused,</p> <p>7 because we have this thing at the top that says</p> <p>8 assigned to, and there would be individual</p> <p>9 employees who would follow that assigned to,</p> <p>10 correct?</p> <p>11 MR. GOODMAN: Object to form. Go</p> <p>12 ahead.</p> <p>13 A. Yes, but the DealerSocket system is</p> <p>14 smart enough to know people's schedules so they</p> <p>15 can change. If someone is required the next</p> <p>16 day, and that person is not here and scheduled</p> <p>17 to work, the DealerSocket system is smart</p> <p>18 enough to switch to another person so the other</p> <p>19 person can follow up with a conversation saying</p> <p>20 "Hey, you were in here to buy a car yesterday,"</p> <p>21 so on and so forth.</p> <p>22 Q. Is there any way to look at a history</p> <p>23 of who DealerSocket or anyone else assigns the</p> <p>24 account to throughout its history?</p> <p>25 MR. GOODMAN: Object to form?</p>

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1 S. Orsaris

2 A. I don't know.

3 Q. I think you testified previously that

4 phone calls would be listed on the customer

5 profile; is that correct?

6 A. Yeah. Yes.

7 Q. I don't remember seeing any phone

8 calls listed on this customer profile.

9 A. It's definitely there.

10 Q. Could you point it out to me, please?

11 A. Sure. Page 68 and how a phone call

12 was made.

13 Q. Let me clarify. This appears to be

14 the customer profile for Sarah J. I am talking

15 about the first customer profile for Farah

16 Francois.

17 A. Sarah J is a typo.

18 MR. GOODMAN: What page are we on?

19 THE WITNESS: 68.

20 MR. GOODMAN: This packet doesn't

21 have a 68.

22 THE WITNESS: Right here. That is

23 the same customer.

24 Q. I see. But in regards to before

25 these phone calls, just dealing with the first

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1 S. Orsaris

2 customer profile, and again understanding it

3 may actually refer to the same customer, but

4 looking at the first customer profile, does

5 this list any phone calls?

6 A. Absolutely.

7 Q. Where?

8 A. 62, 60.

9 Q. Okay. I see here an entry on

10 April 20, 2020, an outbound call made by Tameka

11 Richards. Who is Tameka Richards?

12 A. Business development center agent.

13 Q. How long has Ms. Richards worked at

14 Victory Mitsubishi?

15 A. I don't know dates.

16 Q. Has it been more than a year?

17 MR. GOODMAN: As of today?

18 Objection.

19 Q. Actually, does she still work at

20 Victory Mitsubishi?

21 A. Yes.

22 Q. Around when did she start working at

23 Victory Mitsubishi?

24 A. Sometime in 2019.

25 Q. I see here on this entry it says

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1 S. Orsaris

2 "Listen to call. DealerSocket call

3 management," and then there is a URL. What is

4 that referring to?

5 A. Calls are recorded. I don't know how

6 long, but these calls were recorded, and you

7 can potentially listen to them. I don't know

8 the storage date.

9 Q. Did you retrieve any phone call

10 recordings and produce them to your attorney

11 for this lawsuit?

12 A. I believe I turned over voice mails

13 left by Farah in September of 2020.

14 Q. Do you recall if there were any

15 recordings that you could not access, including

16 but not limited to the recording reflected by

17 this document?

18 A. I don't recall.

19 Q. If you could go to the next page,

20 this is Defendants' 63, and this entry dated

21 April 19 reflects a lead, correct?

22 A. Yes.

23 Q. And this lead refers to someone with

24 the name Milano Banik. Who is Milano Banik?

25 A. I don't know.

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1 S. Orsaris

2 Q. Do you recognize the email for Milano

3 Banik?

4 A. Yes.

5 Q. Where do you recognize that email

6 address from?

7 A. The same email that was used when

8 Emmanuel Laforest inquired about the car before

9 he came in and purchased on May of 2020.

10 Q. Is that unusual, for two different

11 names to be associated with the same email

12 address?

13 MR. GOODMAN: Object to form.

14 A. I wouldn't call it unusual.

15 Q. So based on this entry, and then the

16 outbound call entry we were talking about

17 before, that outbound call was made following

18 up on this lead; is that correct?

19 A. Yes.

20 Q. What generally would Ms. Richards

21 leave in a voice message when calling to follow

22 up on a lead?

23 MR. GOODMAN: Object to the form. Go

24 ahead.

25 A. Something to the effect of, Hi. This

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<p style="text-align: right;">Page 125</p> <p>1 S. Orsaris</p> <p>2 is Tameka. I received an inquiry on so and so</p> <p>3 vehicle. You can call back at whatever the</p> <p>4 number is to schedule an appointment to stop by</p> <p>5 and see one of our cars, whichever vehicle it</p> <p>6 was.</p> <p>7 Q. And then I see an entry here, this is</p> <p>8 back on Defendants' 62, an entry on April 20,</p> <p>9 2020 at 11:25 a.m. that says no vmail. What</p> <p>10 does no vmail mean?</p> <p>11 A. No voice mail.</p> <p>12 Q. And this entry was put in by</p> <p>13 Ms. Richards, correct?</p> <p>14 A. Yes.</p> <p>15 Q. Why is there an entry saying no</p> <p>16 vmail, but there is also an entry saying that</p> <p>17 she left a message?</p> <p>18 A. If you see carwars, which is the tool</p> <p>19 that they use to record, whenever it hits a</p> <p>20 voice mail -- the system is not smart enough to</p> <p>21 know the voice mail is full. If there is no</p> <p>22 voice mail, they just know that the phone</p> <p>23 wasn't picked up. Obviously, someone who</p> <p>24 doesn't pick up the phone, typically a voice</p> <p>25 mail is typically required, something we should</p>	<p style="text-align: right;">Page 127</p> <p>1 S. Orsaris</p> <p>2 that is why it is using the word unqualified.</p> <p>3 Q. And on Defendants' 61 we see another</p> <p>4 lead. Actually, let's go to the part of the</p> <p>5 lead that is on Defendants' 60. You will see</p> <p>6 at the very top of the entry starting "This</p> <p>7 customer recently submitted an internet lead</p> <p>8 with the details listed below. A duplicate</p> <p>9 sales opportunity may now exist. The best</p> <p>10 practice is to merge the new opportunity into</p> <p>11 this opportunity." What does this refer to?</p> <p>12 A. The prior lead and this lead merging</p> <p>13 into the same profile.</p> <p>14 Q. Could you explain what that means</p> <p>15 exactly?</p> <p>16 A. There is either a common number or</p> <p>17 email, and when there is a common number or</p> <p>18 email, it's going to link together</p> <p>19 automatically, which is why when we produced</p> <p>20 this document, it is linked together.</p> <p>21 Q. So the system flags it when a lead is</p> <p>22 submitted with the same email address or the</p> <p>23 same phone number; is that correct?</p> <p>24 MR. GOODMAN: Object to the form. Go</p> <p>25 ahead.</p>
<p style="text-align: right;">Page 126</p> <p>1 S. Orsaris</p> <p>2 do so people can call us back.</p> <p>3 Q. So the next entry has a message. Was</p> <p>4 this the message that was sent by Ms. Richards</p> <p>5 by email as referenced in an earlier entry.</p> <p>6 A. No. By text.</p> <p>7 Q. By text message.</p> <p>8 A. Yes.</p> <p>9 Q. And that would have been a text</p> <p>10 message to the phone provided in the</p> <p>11 information lead, correct?</p> <p>12 A. Yes.</p> <p>13 Q. And then the next couple of entries</p> <p>14 refer to different emails that were</p> <p>15 automatically sent, it appears, and they all</p> <p>16 have unqualified in the subject line. What</p> <p>17 does that refer to?</p> <p>18 MR. GOODMAN: Where are we, what</p> <p>19 page?</p> <p>20 MS. CATHERINE: This is starting on</p> <p>21 page Defendants' 62, the top entry, and then</p> <p>22 going backwards to Defendants' 61.</p> <p>23 A. The DealerSocket system is smart</p> <p>24 enough to know when someone is not responding.</p> <p>25 This is not qualified as an active lead, and</p>	<p style="text-align: right;">Page 128</p> <p>1 S. Orsaris</p> <p>2 A. It links it together so we can in</p> <p>3 some instances make inferences that you have</p> <p>4 been interested in some of our cars. Why don't</p> <p>5 you check out the initial car or second car or</p> <p>6 third car, because folks do inquire multiple</p> <p>7 times before they come in.</p> <p>8 Q. If I were to pull up the Farah Jean</p> <p>9 Francois customer profile in DealerSocket, I</p> <p>10 know it's not going to quite look like this,</p> <p>11 but I would be able to see the different</p> <p>12 submitted leads in the system, correct?</p> <p>13 MR. GOODMAN: Object to the form.</p> <p>14 A. Possibly. I wouldn't say maybe on</p> <p>15 the same page, but possibly.</p> <p>16 MR. GOODMAN: Can we take a minute</p> <p>17 here? I want to talk to my client for a</p> <p>18 second.</p> <p>19 MS. CATHERINE: Sure.</p> <p>20 (A recess was taken.)</p> <p>21 A. So this is the customer profile for</p> <p>22 Farah Francois that initially started actually</p> <p>23 as Emmanuel Laforest, and considering that</p> <p>24 Emmanuel Laforest purchased a car through his</p> <p>25 sister-in-law, obviously when the purchase is</p>

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<p style="text-align: right;">Page 129</p> <p>1 S. Orsaris</p> <p>2 made, whoever makes the purchase kind of takes</p> <p>3 over. They report it on the record how her</p> <p>4 name appeared on this.</p> <p>5 MR. GOODMAN: By counsel, if I could,</p> <p>6 you, Emma, had previously asked if he looked at</p> <p>7 the Farah Francois profile. There is no</p> <p>8 separate profile. It's the same profile. I</p> <p>9 think that's where --</p> <p>10 THE WITNESS: There's only one, yes.</p> <p>11 Q. Is there a customer profile for Jami</p> <p>12 Singer?</p> <p>13 A. No. The customer profile should be</p> <p>14 looked at as a transaction profile. I think</p> <p>15 it's a little bit easier to understand in that</p> <p>16 regard.</p> <p>17 Q. During May 30th, if I recall</p> <p>18 correctly, you said the dealership was only</p> <p>19 assisting customers by appointment, they were</p> <p>20 only making sales of vehicles by appointment;</p> <p>21 is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. Where in this customer profile does</p> <p>24 it show Mr. Laforest making an appointment at</p> <p>25 Victory Mitsubishi?</p>	<p style="text-align: right;">Page 131</p> <p>1 S. Orsaris</p> <p>2 when you print the work notes, but it does not</p> <p>3 print every single back-to back-text message.</p> <p>4 You have to click on them and print those.</p> <p>5 Q. Got you. So this work note section</p> <p>6 of the customer profile wouldn't necessarily</p> <p>7 reflect all of the communications such as text</p> <p>8 messages?</p> <p>9 A. A singular text will appear, but a</p> <p>10 conversational text, the system will put it in</p> <p>11 a different section, and which I already</p> <p>12 produced for this situation.</p> <p>13 MS. CATHERINE: Could you read back my</p> <p>14 question, please.</p> <p>15 (Record read.)</p> <p>16 Q. Is that yes or no?</p> <p>17 A. If a singular text is sent, it will</p> <p>18 show. If multiple texts are sent, it will not</p> <p>19 show on the work notes section.</p> <p>20 Q. Other than the multiple text messages</p> <p>21 that you just referred to, are there any other</p> <p>22 communications which would not be reflected in</p> <p>23 the customer profile in DealerSocket?</p> <p>24 A. No.</p> <p>25 Q. If you could turn to Defendants' 66,</p>
<p style="text-align: right;">Page 130</p> <p>1 S. Orsaris</p> <p>2 A. You see it in the text messages that</p> <p>3 occurred between Emmanuel Laforest and one of</p> <p>4 the business development center associates</p> <p>5 stating he was coming in.</p> <p>6 Q. We are going to get to those, but I</p> <p>7 have a couple more questions for you about this</p> <p>8 document. On Defendants' 67, do you see on the</p> <p>9 bottom right corner it says 23/23?</p> <p>10 A. Yes.</p> <p>11 Q. And that is referring to all of the</p> <p>12 pages in the printout from DealerSocket,</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. Can I assume those text messages you</p> <p>16 were just referring to would not have been part</p> <p>17 of this printout; is that correct?</p> <p>18 A. It would not have been part of this</p> <p>19 printout, but considering there was a</p> <p>20 conversation back and forth, they were stored</p> <p>21 separately, and I was able to produce those.</p> <p>22 Q. So those text messages would not have</p> <p>23 been part of the customer profile; that would</p> <p>24 have been a separate thing in DealerSocket?</p> <p>25 A. It is part of the customer profile</p>	<p style="text-align: right;">Page 132</p> <p>1 S. Orsaris</p> <p>2 please. In the bottom right corner of this</p> <p>3 page you will see it says 19 out of 23. Why</p> <p>4 are the pages 20, 21 and 22 not present in this</p> <p>5 customer profile?</p> <p>6 A. They were present. I scanned this to</p> <p>7 my email after printing it, and my scanner did</p> <p>8 not print those three pages or four pages --</p> <p>9 three pages.</p> <p>10 Q. Do you still have the physical pages?</p> <p>11 A. No, unfortunately.</p> <p>12 Q. Can you still re-create this printout</p> <p>13 on DealerSocket?</p> <p>14 A. This exact paperwork, no. I have</p> <p>15 done my best to produce additional</p> <p>16 documentation over time as it was requested.</p> <p>17 Q. We will get to that as well, but --</p> <p>18 MS. CATHERINE: Could you read back</p> <p>19 the answer.</p> <p>20 (Record read.)</p> <p>21 Q. So when you say "this exact</p> <p>22 paperwork," what do you mean?</p> <p>23 A. At the present time, if you were to</p> <p>24 ask me to reproduce this, it would be hard to</p> <p>25 do so. Because of the amount of time that we</p>

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1 S. Orsaris

2 were in the profile, I think it unlinked the

3 initial lead by Milano Banik.

4 Q. I see. Why would that happen?

5 A. I don't know. It created a contact

6 in Dealertrack -- DealerSocket -- I apologize

7 -- and we found out about it too late and were

8 unable to reverse it.

9 Q. Have you contacted DealerSocket about

10 this issue?

11 A. Via phone.

12 Q. Did you send them any emails about

13 this issue?

14 A. No.

15 Q. Let's go to Exhibit 20 marked

16 Defendants' 113. It's a single page.

17 A. I have it.

18 Q. What is this document?

19 A. When we were asked to try to find the

20 information between pages 19 to 23, I did my

21 best to try to dig as deep as I can in

22 DealerSocket, and I had these entries, so

23 trying to provide the information that was

24 requested.

25 Q. How did you retrieve these entries?

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1 S. Orsaris

2 A. Clicking on the back-end tools that

3 would take the customer profile and kind of

4 condense it, and then I went to the section

5 that was missing, screen-shotted it and

6 provided it.

7 Q. I see. So Defendants' 113 was part

8 of a condensed form of the customer profile

9 that we were looking at earlier; is that

10 correct?

11 A. It was a section of more of an

12 overview of the profile which has some events

13 such as you see here, text messages.

14 Q. Could you still produce that overview

15 today from DealerSocket?

16 A. I believe so, yes.

17 MS. CATHERINE: We call for the

18 production of the entire overview, please.

19 MR. GOODMAN: Take it under

20 advisement.

21 Q. If we could go to what was previously

22 marked as Exhibit 18 Bates stamped Defendants'

23 42 through 48.

24 A. I have it.

25 Q. Mr. Orsaris, what is this document?

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1 S. Orsaris

2 A. The text message section that gets

3 created when you actually receive responses to

4 your texts that you send out.

5 Q. And this is what you were referring

6 to when you were talking about the text

7 messages that would not be reflected in the

8 work notes section that we were looking at

9 before; is that correct?

10 A. Yes.

11 Q. I guess I'm a little confused,

12 though, about -- I don't see any entry in the

13 work notes that we were looking at before,

14 May 30th, 2020. I understand it wouldn't

15 reflect all the text messages, but shouldn't

16 there be at least one entry on May 30, 2020,

17 showing the first text message?

18 A. I presume that the system would mark

19 it in a different section, which I produced,

20 when there is multiple texts going back and

21 forth. The consumer responded, and considering

22 the consumer responded, it puts it in a

23 different section.

24 Q. When did Emmanuel Laforest first come

25 to Victory Mitsubishi in person?

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1 S. Orsaris

2 A. May 30th of 2020.

3 Q. What time did he come in?

4 A. I don't recall.

5 Q. Is there any document that would show

6 or give you a rough idea of when he came in?

7 A. Sometime after he asked me what's the

8 address or asked -- not me, but Victory what

9 the address is.

10 Q. To be clear, you are referring to the

11 document Bates stamped Defendants' 45 and the

12 text message time stamped May 30th at

13 1:55 p.m.; is that correct?

14 A. Yes.

15 Q. So sometime after 1:55 p.m., correct?

16 A. Yes.

17 Q. And about how long was he at the

18 dealership?

19 A. I don't recall.

20 Q. Is there any document that would give

21 you a rough idea of how long he was at the

22 dealership?

23 A. Not to my knowledge, no.

24 Q. What do you remember about May 30th,

25 2020?

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<p style="text-align: right;">Page 137</p> <p>1 S. Orsaris</p> <p>2 MR. GOODMAN: Object to form. Go</p> <p>3 ahead.</p> <p>4 A. I don't have really a recollection of</p> <p>5 any specific -- anything specific. More so the</p> <p>6 overall month.</p> <p>7 Q. Sure. And that's because it was more</p> <p>8 than two years ago now, isn't that correct?</p> <p>9 MR. GOODMAN: Object to form.</p> <p>10 A. Yes.</p> <p>11 Q. Do you remember what you ate for</p> <p>12 breakfast that day?</p> <p>13 MR. GOODMAN: Objection. Come on.</p> <p>14 Object to the form.</p> <p>15 A. No.</p> <p>16 Q. Do you remember what you ate for</p> <p>17 lunch that day?</p> <p>18 MR. GOODMAN: Objection.</p> <p>19 A. No.</p> <p>20 Q. So pretty much your understanding of</p> <p>21 what happened when Mr. Laforest came into the</p> <p>22 dealership on May 30th is based upon your</p> <p>23 review of the documents; is that correct?</p> <p>24 MR. GOODMAN: Object to form. Also</p> <p>25 asked and answered. Go ahead.</p>	<p style="text-align: right;">Page 139</p> <p>1 S. Orsaris</p> <p>2 2020; is that right?</p> <p>3 A. Yes.</p> <p>4 MR. KESHAVERZ: Can we take a break,</p> <p>5 please?</p> <p>6 MS. CATHERINE: That's fine with me.</p> <p>7 (A recess was taken.)</p> <p>8 Q. So your understanding of what</p> <p>9 happened on May 30th, 2020, with Mr. Laforest</p> <p>10 is based on your review of the documents,</p> <p>11 correct?</p> <p>12 MR. GOODMAN: Objection. Form.</p> <p>13 Mischaracterizes. Go ahead.</p> <p>14 A. No.</p> <p>15 Q. What is it based on?</p> <p>16 MR. GOODMAN: Asked and answered.</p> <p>17 Go ahead.</p> <p>18 A. When Ms. Farah brought the situation</p> <p>19 to my attention in September, I had at that</p> <p>20 time a more vivid recollection, and I held on</p> <p>21 to a lot of the events that happened in May and</p> <p>22 June considering, again, this is the first and</p> <p>23 only time we have had an identity theft</p> <p>24 situation going on, so considering it's</p> <p>25 significant, I was able to retain the</p>
<p style="text-align: right;">Page 138</p> <p>1 S. Orsaris</p> <p>2 A. No, that's not the case.</p> <p>3 Q. Explain to me how that's not the</p> <p>4 case.</p> <p>5 A. In September when Ms. Farah Francois</p> <p>6 visited the facility and explained to me what</p> <p>7 happened, obviously it was only four months</p> <p>8 prior, so it was pretty easy for me to remember</p> <p>9 some of the events that happened in May and</p> <p>10 June, and obviously everything that happened in</p> <p>11 September.</p> <p>12 It was a pretty significant event --</p> <p>13 this is the first and only time something like</p> <p>14 that happened to me. I held on to that.</p> <p>15 Q. So if I understand you correctly, you</p> <p>16 are saying that when Ms. Francois came in and</p> <p>17 spoke with you in September of 2020, at that</p> <p>18 time you remembered what happened on May 30th,</p> <p>19 2020; is that correct?</p> <p>20 MR. GOODMAN: Object to form. Go</p> <p>21 ahead.</p> <p>22 A. And also what happened in June as</p> <p>23 well.</p> <p>24 Q. And I take it you remember your</p> <p>25 conversation with Ms. Francois in September of</p>	<p style="text-align: right;">Page 140</p> <p>1 S. Orsaris</p> <p>2 information.</p> <p>3 Q. What information did you retain?</p> <p>4 A. Mostly the conversations that</p> <p>5 occurred in June, and the sale date in May. I</p> <p>6 remember actually seeing the vehicle getting</p> <p>7 cleaned, and the office, when they sat down in</p> <p>8 the office with Yessica Vallejo, and in June</p> <p>9 again when they sat down with Yessica, my</p> <p>10 finance manager, for the second time.</p> <p>11 Q. So you remember all of that, but you</p> <p>12 don't remember what Mr. Laforest looks like,</p> <p>13 correct?</p> <p>14 A. I don't want to inaccurately describe</p> <p>15 how he looks.</p> <p>16 Q. Do you remember what he looks like or</p> <p>17 not?</p> <p>18 MR. GOODMAN: Asked and answered.</p> <p>19 Argumentative. Go ahead.</p> <p>20 A. Vaguely.</p> <p>21 Q. What is that vague recollection of</p> <p>22 what he looks like?</p> <p>23 A. Taller than me, relatively slim,</p> <p>24 darker complexion.</p> <p>25 Q. So after arranging an appointment at</p>

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1 S. Orsaris

2 Victory Mitsubishi, Emmanuel Laforest comes

3 into the dealership. What happens when he

4 comes in?

5 MR. GOODMAN: Object to the form.

6 A. He came in with Ms. Francois,

7 inquired about a vehicle, potentially test

8 drove it, looked at the car, had intent to

9 purchase, and it led to a purchase.

10 Q. Let's go through that step by step.

11 What is your basis for believing that he came

12 in with Farah Jean Francois?

13 A. Store policy is you cannot run

14 someone's credit without them being present in

15 the building. We had a physical ID, which my

16 store policy at the time would be me holding on

17 to both his and Ms. Francois's ID or driver's

18 license, and all of the, like I said, policies

19 and procedures that we have in place. I am

20 certain that Mr. Emmanuel Laforest was with

21 what I presume is Ms. Farah Francois.

22 Q. Just to give a quick summary, it is

23 because of your store policies and because you

24 have a copy of her driver's license; is that

25 correct?

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1 S. Orsaris

2 MR. GOODMAN: Object to form.

3 Mischaracterizes. Go ahead.

4 A. It's definitely a little bit deeper

5 than that. There are rules that are in place,

6 city, state and federal regulations that we

7 follow and adhere to day in and day out. It is

8 impossible that Emmanuel was by himself, and it

9 is impossible that I would presume that Ms.

10 Francois wasn't there. She was definitely

11 there, or someone I would presume was her was

12 there.

13 Q. So because of the store policy, it is

14 impossible that you would ever pull someone's

15 credit report without them physically being

16 there; is that correct?

17 MR. GOODMAN: Objection to form. Go

18 ahead.

19 A. I recall being called into the office

20 by Yessica Vallejo for the down payment for the

21 vehicle, and I remember two individuals being

22 Emmanuel Laforest and the other being what I

23 presume is Farah Francois inside the office

24 when I was counting the down payment.

25 Q. That's useful information, but I am

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1 S. Orsaris

2 not sure that answered my question.

3 MS. CATHERINE: Could you read back

4 the question, madam court reporter?

5 (Record read.)

6 A. More than store policy. I had a

7 physical copy of her ID. I touched her ID

8 myself, and there were two people, at least two

9 people present in the building, one that was

10 Emmanuel Laforest, and the other I would

11 presume is Farah Francois.

12 I remember the store policy as well

13 being that I would make sure, I would verify

14 myself, her date of birth, making sure the

15 people in the building are who they said they

16 are, and that all parties are present inside

17 the building before the pulling of the credit.

18 Q. I think you mentioned before that

19 because you had a credit application with both

20 Emmanuel's and Ms. Francois's information, that

21 was part of the basis for your belief that

22 there were two individuals; is that correct?

23 A. In addition to --

24 Q. In addition to.

25 A. I have a recollection of counting the

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2 down payment after they said they were going to

3 purchase the vehicle, inside the office, and I

4 recall two people being there, one that was

5 Emmanuel Laforest, and the other that I would

6 presume is Farah Francois.

7 Q. Who was the first people to speak

8 with Mr. Laforest?

9 A. Either David or myself.

10 Q. So you don't know if it was you or

11 David; it just would have been either you or

12 David based on the store policy at the time; is

13 that correct?

14 A. Yes. They were checked in, and the

15 only two people that can check a customer into

16 the building to notify our team that they are

17 in the building is either David or myself.

18 Q. When you say "checked in," what does

19 that mean?

20 A. When an appointment is made, we

21 complete the appointment with a showroom visit,

22 which we print a guest sheet, and we assign a

23 sales consultant to the transaction, and then

24 sit and have a conversation and figure out what

25 the customer is looking to do that day, so on

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<p style="text-align: right;">Page 145</p> <p>1 S. Orsaris</p> <p>2 and so forth.</p> <p>3 Q. Would there be a record made of the</p> <p>4 time that they were checked in?</p> <p>5 A. Do you have the guest sheet? I don't</p> <p>6 think there's a time stamp on that guest sheet.</p> <p>7 I'm not 100 percent sure.</p> <p>8 Q. We will get to that later.</p> <p>9 Would the guest sheet show who was</p> <p>10 the first person to speak with Mr. Laforest?</p> <p>11 A. Depends on the notations on the guest</p> <p>12 sheet.</p> <p>13 Q. So it could show it?</p> <p>14 A. Any handwritten things on the guest</p> <p>15 sheet. Guest sheets have writing of different</p> <p>16 notes at times.</p> <p>17 Q. So it could have it handwritten on</p> <p>18 it?</p> <p>19 A. It could be on the guest sheet</p> <p>20 itself. Sales consultants that work there and</p> <p>21 have finished training typically would show up</p> <p>22 in the top right of the guest sheet.</p> <p>23 Q. Would that be the person who would</p> <p>24 print out the guest sheet, so if the</p> <p>25 salesperson was listed as David Perez, for</p>	<p style="text-align: right;">Page 147</p> <p>1 S. Orsaris</p> <p>2 objection if counsel was present.</p> <p>3 MS. CATHERINE: Sure.</p> <p>4 Q. Go ahead if you have an answer.</p> <p>5 MR. GOODMAN: Well, I understood the</p> <p>6 question to be about September of 2020.</p> <p>7 MS. CATHERINE: It was September of</p> <p>8 2020.</p> <p>9 MR. GOODMAN: Then no objection.</p> <p>10 A. I don't recall.</p> <p>11 Q. And Mr. Laforest filled out a credit</p> <p>12 application, correct?</p> <p>13 A. His portion, yes.</p> <p>14 Q. And that was a paper application?</p> <p>15 A. I believe he also provided the</p> <p>16 information online.</p> <p>17 Q. So he provided his information</p> <p>18 online, he filled out a paper application. The</p> <p>19 online application, that was what he did prior</p> <p>20 to going into the dealership, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And this was sent to him by text</p> <p>23 message, correct?</p> <p>24 A. Yes.</p> <p>25 Q. And then the paper application he</p>
<p style="text-align: right;">Page 146</p> <p>1 S. Orsaris</p> <p>2 example, would he have been the one who would</p> <p>3 have printed that out?</p> <p>4 A. Not necessarily.</p> <p>5 Q. But if he was listed as the</p> <p>6 salesperson, he was the one who was first to</p> <p>7 speak with Mr. Laforest; would that be right?</p> <p>8 A. No. It was either myself or David</p> <p>9 Perez.</p> <p>10 Q. So whoever is listed as the</p> <p>11 salesperson on the guest sheet didn't</p> <p>12 necessarily speak to Mr. Laforest first,</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. Did you speak with Mr. Perez about</p> <p>16 this case?</p> <p>17 MR. GOODMAN: Objection as to form.</p> <p>18 A. No.</p> <p>19 Q. Do you recall speaking to Mr. Perez</p> <p>20 about Ms. Francois's issues in September of</p> <p>21 2020?</p> <p>22 MR. GOODMAN: Objection. Privilege.</p> <p>23 If you are asking for a conversation that</p> <p>24 September, no objection. If you are asking</p> <p>25 some other time frame, there may be a privilege</p>	<p style="text-align: right;">Page 148</p> <p>1 S. Orsaris</p> <p>2 filled out when he arrived in the store on</p> <p>3 May 30th, correct?</p> <p>4 A. Yes.</p> <p>5 Q. Did he fill out any other</p> <p>6 applications?</p> <p>7 A. No.</p> <p>8 Q. And Mr. Laforest filled out the paper</p> <p>9 application for Farah Jean Francois, correct?</p> <p>10 MR. GOODMAN: Objection to form.</p> <p>11 A. Repeat the question, if you don't</p> <p>12 mind.</p> <p>13 (Record read.)</p> <p>14 A. No.</p> <p>15 Q. How do you know that?</p> <p>16 A. Per policy and procedures that are in</p> <p>17 place. Everyone in the building knows that a</p> <p>18 credit application and the portion that someone</p> <p>19 is filling out is for themselves and themselves</p> <p>20 only; strict policy.</p> <p>21 Q. So you did not see the credit</p> <p>22 application being filled out, correct?</p> <p>23 A. I don't have a specific recollection,</p> <p>24 but my desk faces the sales floor, and if I</p> <p>25 were to see someone completing an application</p>

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2 for someone else, I would immediately

3 intervene.

4 Q. During the year 2020, did you have

5 customers come to the dealership saying that

6 they were there to buy a car for another person

7 who didn't want to come into the dealership

8 because of COVID-19?

9 MR. GOODMAN: Object to form. Go

10 ahead.

11 A. No. I did not do one single remote

12 sale in my entire --

13 Q. And did you -- sorry. Were you

14 finished? I'm not sure.

15 A. I was finished.

16 Q. I understand you are saying you

17 didn't do any remote sales, but did anyone ever

18 attempt to buy a vehicle on behalf of another

19 person because that person did not want to come

20 to the dealership because of COVID-19?

21 A. No.

22 Q. After the credit application was

23 filled out, credit reports were pulled for

24 Emmanuel Laforest and for Farah Jean Francois,

25 correct?

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2 A. Between those events, David or myself

3 verified that the people on the IDs were

4 present in the building.

5 MR. GOODMAN: Listen to the question

6 and answer her question, okay?

7 Q. Who pulled their credit reports? We

8 will get to the documents later, but do you

9 have any independent recollection of who pulled

10 the credit reports?

11 A. Either David or myself.

12 Q. It would have been either you or

13 David; no one else?

14 A. I don't think anyone else would do

15 it.

16 Q. I am sorry. You seemed to be very

17 certain earlier. You were talking about how it

18 was impossible. Now you are saying you don't

19 think. Are you certain, or is that probably

20 the case?

21 A. I am definitively certain that the

22 only two people that would run credit on that

23 day is David Perez and myself.

24 Q. Did anyone at Victory Mitsubishi

25 speak with Ms. Francois on May 30th?

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2 A. Either David or myself, and

3 definitively Yessica.

4 Q. If I told you that Mr. Laforest said

5 that he was told not to call Ms. Francois until

6 after the deal was done, how would you respond?

7 A. That is preposterous and impossible.

8 Q. If I told you that he had testified

9 that he came to the dealership on May 30th

10 alone, how would you respond?

11 A. It's inaccurate information.

12 Q. And you have no independent

13 recollection of speaking to Ms. Francois on

14 May 30th, correct?

15 A. I do remember congratulating them

16 after I collected the down payment.

17 Q. Around what time was that?

18 A. I don't have a recollection of the

19 time.

20 Q. Was it still light out, was the sun

21 setting?

22 A. I don't recall.

23 Q. Where were you standing when you

24 congratulated them?

25 A. In Yessica Vallejo's office.

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2 Q. And you were standing, or were you

3 sitting?

4 A. I don't recall.

5 Q. Were they standing, or were they

6 sitting?

7 A. They were sitting.

8 Q. Did you shake their hands?

9 A. No.

10 Q. You probably weren't shaking a lot of

11 hands at that time, were you? Were you doing

12 the fist bump thing or anything like that, the

13 elbow bump?

14 A. Early pandemic, no.

15 MR. GOODMAN: When you reach a point,

16 can we take five minutes, if you want to keep

17 going a little bit, or maybe we can do it now?

18 Q. What did Ms. Francois look like?

19 A. Lady of darker complexion than

20 myself, shorter than me, slim. An inch or two

21 shorter than me and slim.

22 Q. Do you remember anything about her

23 hair?

24 A. No, I don't recall.

25 Q. Do you remember anything about her

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2 voice?

3 A. I don't recall.

4 Q. And so you don't recall speaking to

5 Ms. Francois other than congratulating her when

6 you took the down payment; is that correct?

7 A. I don't have a specific recollection,

8 but either David or myself had a conversation

9 with them prior to running the credit.

10 Q. So when you took the down payment --

11 and how much was the down payment?

12 A. Total down payment was \$9,000.

13 Q. So when you took the down payment,

14 what did you do when you took the down payment?

15 A. Store policy is to immediately

16 receive and put away the down payment in the

17 safe.

18 Q. And where is the safe?

19 A. In my office.

20 Q. So you take the down payment, and you

21 go from Ms. Vallejo's office to your office

22 immediately per store policy, correct?

23 A. Yes.

24 Q. And you put the money in the safe.

25 What else do you do in regards to the down

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2 payment?

3 A. Receive it.

4 Q. So you print a receipt?

5 A. Yes.

6 Q. And you gave that printed receipt to

7 the Mr. Laforest, correct?

8 A. Yes. Well -- yes.

9 Q. Sorry. That was "yes"?

10 A. To both of them. Yeah. I don't

11 recall who held on to it.

12 Q. And you would do that as soon as you

13 printed the receipt, correct, correct?

14 A. Yes.

15 MS. CATHERINE: Let's take a

16 five-minute break, please.

17 (A recess was taken.)

18 MS. CATHERINE: Mr. Goodman, in

19 regards to the depositions, if we have Mr.

20 Argyropoulos on Monday starting at 2:00 p.m.,

21 could he be available again at 2:00 p.m. the

22 following day on Tuesday, and then we push

23 Diane's deposition to Friday?

24 MR. GOODMAN: The reason that he

25 wanted to do Monday instead of Tuesday was a

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2 conflict he had on Tuesday, so as I am sitting

3 here now, I believe the answer is no; however,

4 I will undertake to inquire of him if there is

5 any possible way we could -- having said that,

6 I am also pointing out that we offered him for

7 five hours on Monday. If you need him to come

8 back, it would only be for two hours, so I will

9 ask him if we can find two hours on Tuesday for

10 him. I will make that inquiry so we can try to

11 adhere to your suggestion. I am not opposed to

12 it. I have to ask him.

13 MR. KESHAVARZ: Do you think Patrick

14 can make a call while we are doing this?

15 MR. GOODMAN: I am not going to be

16 able to do it while this deposition is going

17 on, and I would like to complete this

18 deposition. It is the day before Thanksgiving.

19 I have to be somewhere this evening, and I

20 would like to proceed. We can get it figured

21 out.

22 MR. KESHAVARZ: I would like to get

23 it figured out now and on the record.

24 MR. GOODMAN: We are not going to be

25 able to -- I want to go forward with this

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2 deposition.

3 MR. KESHAVARZ: You said you would

4 like to start at 2:00. Does that mean he can

5 start a little bit earlier than 2:00?

6 MR. GOODMAN: No. He said he is

7 available, I don't know what it said in the

8 email, but the answer is he is available

9 at 2:00. We will be available on Monday,

10 November 28, from 2:00 p.m. to 7:00 p.m.

11 MR. KESHAVARZ: If we are able to

12 switch things around, is the wife available on

13 Friday, the 2nd?

14 MR. GOODMAN: I'll find out. I don't

15 know at this point.

16 MR. KESHAVARZ: You can't find out

17 now? Patrick can't make a quick call?

18 MR. GOODMAN: No, I can't. Can we

19 please proceed with the deposition?

20 MR. KESHAVARZ: They are court

21 ordered so it would be nice to get this

22 resolved.

23 MR. GOODMAN: Okay. Let's go.

24 Q. Mr. Orsaris, did Mr. Laforest obtain

25 financing for the vehicle on May 30th, 2020?

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2 MR. GOODMAN: Object to form.

3 A. No.

4 Q. Did he leave the dealership that day

5 with the vehicle?

6 A. Yes.

7 Q. So a consumer can leave Victory

8 Mitsubishi with a vehicle prior to arranging

9 financing?

10 MR. GOODMAN: Object to form. Go

11 ahead.

12 A. There was financing arranged.

13 Q. I am sorry. I thought you said there

14 wasn't financing arranged on May 30th.

15 A. There was financing arranged under

16 what I presume the person he was with,

17 Ms. Farah Francois, or the person that was

18 impersonating her.

19 Q. I see. So the financing wasn't for

20 Mr. Laforest; it was for Farah Jean Francois on

21 May 30th?

22 A. Yes.

23 Q. And that financing was from Capital

24 One, correct?

25 A. Correct.

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2 Q. And what documents were given to Mr.

3 Laforest that day?

4 A. The documents that were given to them

5 that day were the signed retail installment

6 contract, bill of sale, purchase order, in

7 addition to maybe a copy of the CARFAX, copy of

8 the signed warranty; things of that nature.

9 Q. And those were all in Ms. Francois'

10 name?

11 A. Yes.

12 Q. They weren't in Mr. Laforest's name,

13 correct?

14 A. No.

15 Q. Around what time did Mr. Laforest

16 leave with the vehicle on May 30th?

17 A. I don't have a recollection of the

18 specific time.

19 Q. Do you recall generally what time it

20 was? Was it nighttime?

21 A. Maybe the afternoon into nighttime,

22 but I don't know.

23 MR. GOODMAN: Emma, about

24 scheduling -- I am not trying to be

25 difficult -- can you please send an email of

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2 your exact proposal for what the schedule would

3 be after Phil on Monday from 2:00 to 7:00?

4 Just send an email so I will be able to convey

5 exactly what you are looking for.

6 Q. And May 30th was the only time that

7 Mr. Laforest came into Victory Mitsubishi,

8 correct?

9 A. No.

10 Q. What other time did he come into

11 Victory Mitsubishi?

12 A. June 29 of that year.

13 Q. And why did he come into the

14 dealership on June 29 of that year?

15 A. To re-sign the contracts between Ms.

16 Francois and Capital One. He came back in with

17 what I presume was Ms. Francois.

18 Q. The contracts were only in her name.

19 Why did he come in?

20 A. He was one of the drivers of the

21 vehicle, so they both came, what I presume was

22 Ms. Francois.

23 Q. Why were they re-signing on

24 June 29th?

25 A. Because in the early part of the

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2 pandemic there were a lot of underwriting and

3 program guideline changes, which Capital One

4 had a structural change of some sort, and they

5 required us to invite the customers back into

6 the building to re-sign.

7 Q. How were customers contacted about

8 this re-signing?

9 A. We called from the store phone.

10 Q. Is that call reflected on

11 DealerSocket?

12 A. No.

13 Q. Why not?

14 A. Because the business development

15 center did not call them in. Either myself or

16 Yessica spoke to them and invited them back in.

17 Q. Do you have any document reflecting

18 that phone call?

19 A. We do not.

20 Q. Who provides the phone service for

21 the phone at Victory Mitsubishi?

22 A. We use Vonage Business.

23 Q. Can you spell that, please?

24 A. V-o-n-a-g-e. They have a business

25 service that we use.

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2 Q. When you get bills from Vonage, do

3 they give you an itemized list of calls made?

4 A. No.

5 Q. Do you have an online account with

6 Vonage for the dealership?

7 MR. GOODMAN: I am going to object to

8 form. Go ahead.

9 A. I am sure there is a billing page

10 where we pay.

11 Q. Would you be able to look up online

12 the calls that were made with your account?

13 A. No.

14 Q. Did you try looking for a record of

15 this phone call?

16 A. The phone calls that are made are not

17 recorded, and it's not like a cell phone where

18 you can produce your records. It is VoIP,

19 voice over IP.

20 Q. Can you explain what that is?

21 A. I don't know the formal definition,

22 but I believe it's voice over IP, which is more

23 like an internet-based phone.

24 Q. So it's sort of similar to like

25 Google Voice; is that right?

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1 S. Orsaris

2 MR. GOODMAN: Object to the form. Go

3 ahead.

4 A. I would assume there is some sort of

5 similarities, but -- probably a few.

6 Q. What happened after Mr. Laforest left

7 Victory Mitsubishi with the vehicle on

8 May 30th?

9 MR. GOODMAN: Object to the form.

10 A. Can you rephrase it, please?

11 Q. I will restate the question. Some of

12 the documents we are going to look at say the

13 sale was on June 29 rather than May 30th. Why

14 was that?

15 A. When they came back, we had to redo

16 the paperwork at the instruction of Capital

17 One, which essentially means the sale date is

18 06/29.

19 Q. Had you ever sold a vehicle to a

20 consumer and then arranged financing for the

21 vehicle after the consumer had left Victory

22 Mitsubishi with the vehicle?

23 MR. GOODMAN: Object to the form. Go

24 ahead.

25 A. No.

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2 Q. Were you present at this alleged

3 re-signing on June 29, 2020?

4 A. I was present at the dealership, yes.

5 Q. And the re-signing happened in Ms.

6 Vallejo's office, correct?

7 A. Yes.

8 Q. Were you in her office during the

9 re-signing?

10 A. I don't recall.

11 Q. Do you remember Ms. Francois coming

12 to Victory Mitsubishi in September?

13 A. Yes.

14 Q. Did she seem upset?

15 A. Yes.

16 Q. Was she crying?

17 A. No.

18 Q. How did she seem upset?

19 A. She probably seemed more confused

20 than upset as to how this unraveled.

21 Q. Where did you speak with Ms. Francois

22 in the dealership?

23 A. In my office.

24 Q. Who else spoke with Ms. Francois at

25 the dealership on that day?

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2 A. Potentially the receptionist.

3 Q. Anyone else?

4 A. No.

5 Q. Prior to your preparation for this

6 deposition today, did you talk to Yessica

7 Vallejo about Ms. Francois coming into the

8 dealership in September?

9 MR. GOODMAN: Objection. Form and

10 potentially privilege. If such a conversation

11 happened, and if it happened in the presence of

12 counsel, then I will assert privilege.

13 MR. KESHAVARZ: Just so I understand

14 what you are saying, if the conversation

15 happened? You are asserting privilege if the

16 conversation happened?

17 MR. GOODMAN: I am only going to deal

18 with one attorney here.

19 MR. KESHAVARZ: I just didn't

20 understand what you were saying.

21 MR. GOODMAN: Well, that's okay. I

22 said what I said, and I'm going to --

23 Q. Do you understand Mr. Goodman's

24 instructions, Mr. Orsaris?

25 A. I don't.

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<p style="text-align: right;">Page 165</p> <p>1 S. Orsaris</p> <p>2 MS. CATHERINE: Do you want to take a</p> <p>3 second to explain the privilege issue to him?</p> <p>4 MR. GOODMAN: What I am saying is she</p> <p>5 is asking whether you had a conversation in</p> <p>6 preparation for this deposition. That's how I</p> <p>7 understand the question; if you had a</p> <p>8 conversation with Yessica about Farah coming</p> <p>9 into Yessica's office. If you had that</p> <p>10 conversation with Yessica, and I was there if</p> <p>11 it was in preparation while there was an</p> <p>12 attorney there, then I am asserting privilege.</p> <p>13 If you had that conversation without</p> <p>14 us there, then I am not.</p> <p>15 THE WITNESS: I did not have any</p> <p>16 conversation -- I don't recall a conversation</p> <p>17 with Yessica Vallejo about this outside the</p> <p>18 presence of my attorney.</p> <p>19 Q. How about with David Perez?</p> <p>20 MR. GOODMAN: Same instruction --</p> <p>21 actually, what is your question? Conversation</p> <p>22 about anything, about a specific topic?</p> <p>23 MS. CATHERINE: Sorry. Let me clarify</p> <p>24 the question.</p> <p>25 Q. Subject to the instructions given by</p>	<p style="text-align: right;">Page 167</p> <p>1 S. Orsaris</p> <p>2 A. There was definitely some time before</p> <p>3 he left. I don't know the exact time he</p> <p>4 notified us he was leaving.</p> <p>5 Q. Prior to your preparation for this</p> <p>6 deposition, did you speak to Philip</p> <p>7 Argyropoulos about Ms. Francois coming into the</p> <p>8 dealership in September of 2020?</p> <p>9 A. No.</p> <p>10 Q. And Mr. Laforest brought the vehicle</p> <p>11 back to Victory Mitsubishi in September of</p> <p>12 2020, correct?</p> <p>13 A. Not to Victory Mitsubishi in terms of</p> <p>14 the premise. A block or two down.</p> <p>15 Q. Yes. That's what I was about to ask</p> <p>16 you.</p> <p>17 And he notified you that he brought</p> <p>18 it a block or two down by text message,</p> <p>19 correct?</p> <p>20 A. We spoke on the phone beforehand. He</p> <p>21 was afraid I was going to call the police on</p> <p>22 him, so he said he is going to leave it in a</p> <p>23 nearby area and let me know where.</p> <p>24 Q. And were you going to call the police</p> <p>25 on him?</p>
<p style="text-align: right;">Page 166</p> <p>1 S. Orsaris</p> <p>2 Mr. Goodman to not divulge any conversations</p> <p>3 had in front of your attorneys, did you speak</p> <p>4 with Yessica Vallejo prior to the preparation</p> <p>5 for this deposition about Ms. Francois coming</p> <p>6 into the dealership in September of 2020?</p> <p>7 MR. GOODMAN: Object to form, but you</p> <p>8 can answer that.</p> <p>9 A. I don't recall.</p> <p>10 Q. Prior to your preparation for this</p> <p>11 deposition, did you ever talk to David Perez</p> <p>12 about Ms. Francois coming into the dealership</p> <p>13 in September of 2020?</p> <p>14 MR. GOODMAN: Object to form. Go</p> <p>15 ahead.</p> <p>16 A. I don't recall.</p> <p>17 Q. Mr. Perez no longer works at Victory</p> <p>18 Mitsubishi, correct?</p> <p>19 A. He does not work for Victory</p> <p>20 Mitsubishi at this time, no.</p> <p>21 Q. And when did his employment end?</p> <p>22 A. June of 2021.</p> <p>23 Q. Why did his employment end?</p> <p>24 A. He resigned.</p> <p>25 Q. Did he put in a two weeks' notice?</p>	<p style="text-align: right;">Page 168</p> <p>1 S. Orsaris</p> <p>2 A. I didn't think about it. He did</p> <p>3 bring me the car. I didn't see him.</p> <p>4 Q. Did you call the police in regards to</p> <p>5 any of what has transpired with Farah Jean</p> <p>6 Francois and Emmanuel Laforest and the Victory</p> <p>7 Mitsubishi dealership?</p> <p>8 A. No, but I did tell Ms. Francois that</p> <p>9 I would work with law enforcement if she</p> <p>10 requested or if they needed to.</p> <p>11 Q. And were you ever contacted by law</p> <p>12 enforcement?</p> <p>13 A. No.</p> <p>14 Q. Were you ever contacted by the Kings</p> <p>15 County District Attorney's Office?</p> <p>16 A. No.</p> <p>17 Q. Was anyone at Victory Mitsubishi</p> <p>18 contacted by either the police or the Kings</p> <p>19 County District Attorney's Office regarding</p> <p>20 Farah Jean Francois or Emmanuel Laforest?</p> <p>21 A. To my knowledge, no.</p> <p>22 Q. How did Mr. Laforest have your phone</p> <p>23 number?</p> <p>24 A. Ms. Francois gave me the number when</p> <p>25 she notified me of the situation in September,</p>

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<p style="text-align: right;">Page 169</p> <p>1 S. Orsaris</p> <p>2 and I called him a few times; got him on the</p> <p>3 phone.</p> <p>4 Q. So you called him first, correct?</p> <p>5 A. Yes.</p> <p>6 Q. Do you remember what day you called</p> <p>7 him?</p> <p>8 A. The same day that Ms. Farah came in.</p> <p>9 I don't know the date off the top of my head.</p> <p>10 Q. And you still have the same cell</p> <p>11 phone that you used to call him?</p> <p>12 MR. GOODMAN: What was the question?</p> <p>13 A. The cell phone or something --</p> <p>14 (Record read.)</p> <p>15 Q. The same physical cell phone?</p> <p>16 A. No.</p> <p>17 Q. Did you have the same cell phone</p> <p>18 provider at that time that you have today?</p> <p>19 A. Yes.</p> <p>20 MS. CATHERINE: I am going to call for</p> <p>21 the production of phone records showing phone</p> <p>22 calls in September of 2020 for Mr. Orsaris'</p> <p>23 personal cell phone.</p> <p>24 MR. GOODMAN: Take it under</p> <p>25 advisement.</p>	<p style="text-align: right;">Page 171</p> <p>1 S. Orsaris</p> <p>2 If the vehicle is registered, they</p> <p>3 get back the plates. If there was a title, if</p> <p>4 the vehicle was registered and titled, that</p> <p>5 would be to give them the plates for them to</p> <p>6 surrender them to the Department of Motor</p> <p>7 Vehicle, and I would need the title to the</p> <p>8 vehicle.</p> <p>9 Q. How did this process proceed in</p> <p>10 regards to the vehicle in this case?</p> <p>11 A. Spoke to -- when I spoke to Ms.</p> <p>12 Francois in September, I said, "Can you just</p> <p>13 give me Emmanuel's number? When I retrieve the</p> <p>14 vehicle and I have the car, you can come back</p> <p>15 in and let's process the cancellation."</p> <p>16 I recovered the vehicle. I am not</p> <p>17 sure how long it was out there, but I tried to</p> <p>18 call Ms. Francois from my personal cell phone,</p> <p>19 and I tried to call from the dealership, and I</p> <p>20 never got ahold of her.</p> <p>21 Q. And because you never got ahold of</p> <p>22 her, you never proceeded with this flat cancel</p> <p>23 process; is that correct?</p> <p>24 A. No. There would be some sort of</p> <p>25 signature required in order for me to be able</p>
<p style="text-align: right;">Page 170</p> <p>1 S. Orsaris</p> <p>2 Q. Who retrieved the vehicle and brought</p> <p>3 it back to you at Victory Mitsubishi?</p> <p>4 A. After I received the video, I walked</p> <p>5 to where the vehicle was, and I drove the</p> <p>6 vehicle back to the dealership.</p> <p>7 Q. Who processed the unwinding of the</p> <p>8 deal with Capital One?</p> <p>9 MR. GOODMAN: Object to the form.</p> <p>10 You can answer.</p> <p>11 A. I don't know.</p> <p>12 Q. Have you ever unwound a deal before</p> <p>13 while working at Victory Mitsubishi?</p> <p>14 MR. GOODMAN: Object to the form.</p> <p>15 You could answer.</p> <p>16 A. Yes.</p> <p>17 Q. What does that process entail?</p> <p>18 A. The person in the building. We agree</p> <p>19 to unwind the sale; buyer's remorse, potential</p> <p>20 mechanical issue or mismanagement of needs. We</p> <p>21 would n, and they would give us -- they would</p> <p>22 reassign the contract, and the terminology is</p> <p>23 flat cancel, and then you get a specific amount</p> <p>24 that you have to send in a check to the lender,</p> <p>25 and that the deal has unwound.</p>	<p style="text-align: right;">Page 172</p> <p>1 S. Orsaris</p> <p>2 to do so.</p> <p>3 Q. Has the vehicle been sold?</p> <p>4 A. No.</p> <p>5 Q. It's still in your possession?</p> <p>6 A. Yes.</p> <p>7 Q. In the Mitsubishi lot? Where is it</p> <p>8 being stored?</p> <p>9 A. In an area where vehicles that are</p> <p>10 not available for sale.</p> <p>11 Q. And that area is in the Mitsubishi</p> <p>12 lot?</p> <p>13 A. Not easily accessible by anyone, but</p> <p>14 yes.</p> <p>15 MS. CATHERINE: I am going to call for</p> <p>16 production of a picture or documents sufficient</p> <p>17 to show the vehicle in the lot in that</p> <p>18 location.</p> <p>19 MR. GOODMAN: Take it under</p> <p>20 advisement.</p> <p>21 Q. What is your understanding of the</p> <p>22 current status of the loan regarding the</p> <p>23 vehicle?</p> <p>24 A. I don't know. I would imagine by now</p> <p>25 it was canceled by Capital One.</p>

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1 S. Orsaris

2 Q. You say you would imagine, but you

3 don't actually know one way or the other; is

4 that correct?

5 A. I do know by the details associated

6 with the case, yes. The vehicle is off her

7 credit. She is not responsible for the car

8 anymore.

9 Q. Did Capital One contact you about

10 that?

11 A. No.

12 Q. Capital One contact anyone at the

13 dealership about that?

14 A. No.

15 Q. Why not?

16 MR. GOODMAN: Object to form.

17 A. I thought they were going to. After

18 I did not hear from Ms. Farah, I thought they

19 were going to, and they never did.

20 Q. What happened to the down payment

21 made by Mr. Laforest?

22 A. It's still there, still at the

23 dealership in the sense of never got refunded

24 to anyone.

25 Q. When you say it's still there at the

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1 S. Orsaris

2 dealership, do you mean it's still in cash in

3 your safe?

4 A. No. I mean it has never been

5 refunded.

6 Q. So what happens -- I know you said

7 you take the cash and you put it in the safe.

8 What happens after that?

9 MR. GOODMAN: You mean as to the

10 cash, what happens?

11 MS. CATHERINE: That's it.

12 A. The next morning it's dropped off by

13 myself to the controller, who would prepare it

14 for our banking, and they would just bring all

15 the deposits to the bank.

16 Q. And so that's what happened with the

17 down payment in this case, correct?

18 A. Yes.

19 Q. Did Victory Mitsubishi have an

20 internal investigation about this incident?

21 MR. GOODMAN: Object to form. Go

22 ahead.

23 A. Maybe pull the deal jacket to review

24 to understand how this happened. It was

25 conducted by myself to try to understand what

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1 S. Orsaris

2 happened that day.

3 Q. When did that happen?

4 A. As Ms. Farah notified me in

5 September.

6 Q. Did you speak with Philip

7 Argyropoulos about the review you did?

8 A. No.

9 Q. Did you speak with Diane Argyropoulos

10 about this review that you did?

11 A. I don't recall.

12 Q. I think you mentioned before, if I

13 recall correctly, something along the lines of

14 saying this was a big deal for you because this

15 had never happened before. Is that correct?

16 A. Yes.

17 Q. So if it was such a big deal, why

18 didn't you speak with the owner about it?

19 A. Because I had an arrangement with Ms.

20 Francois.

21 MR. GOODMAN: Also, objection. He

22 didn't say he didn't speak to the owner. He

23 said "I don't recall."

24 Q. What arrangement are you referring

25 to?

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1 S. Orsaris

2 A. I was going to -- she told me it was

3 her brother-in-law. I said okay. I'm going to

4 get the vehicle back, and you are going to come

5 back in, and we are going to cancel out the

6 loan, and she said okay.

7 Q. You mentioned that she told you that

8 it was her brother-in-law. Are you saying that

9 that was some sort of sympathetic reason to be

10 discreet, or what did you mean by that?

11 MR. GOODMAN: Object to form.

12 A. I don't know what that means. Can

13 you rephrase your question?

14 Q. Sure. I guess I'm just wondering why

15 you said that she told you it was her

16 brother-in-law in response to my question about

17 asking why you didn't talk to Diane about this.

18 A. That's what she told me that day.

19 She told me that was her brother-in-law.

20 Q. I would like you to look at what was

21 previously marked as Exhibit 21, Bates stamped

22 Defendants' 1 through, I believe, 36.

23 A. I have it.

24 Q. What is this document?

25 A. The contents inside the deal jacket.

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<p style="text-align: right;">Page 177</p> <p>1 S. Orsaris</p> <p>2 Q. I am sorry. I didn't catch all of</p> <p>3 that.</p> <p>4 A. This is the contents, the paperwork</p> <p>5 that was inside of the deal jacket.</p> <p>6 Q. And this first page Bates stamped</p> <p>7 Defendants' 1, this would be like the cover of</p> <p>8 the deal jacket, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Who filled the cover of the deal</p> <p>11 jacket out? Who made these handwritten</p> <p>12 notations?</p> <p>13 A. The Capital One was 632, stock</p> <p>14 number, the phone number is Yessica. The title</p> <p>15 clerk or the -- the title clerk is the 716, and</p> <p>16 then JSE-8212, it looks like my handwriting,</p> <p>17 which is the plate number.</p> <p>18 Q. Why did you write the license plate</p> <p>19 number on the deal jacket?</p> <p>20 A. For ease of reference.</p> <p>21 Q. Why was a different phone number</p> <p>22 being written on this jacket but was then</p> <p>23 crossed out to write Mr. Laforest's phone</p> <p>24 number?</p> <p>25 A. I don't know.</p>	<p style="text-align: right;">Page 179</p> <p>1 S. Orsaris</p> <p>2 A. They should be able to purchase a</p> <p>3 car.</p> <p>4 Q. What kind of proof of income does</p> <p>5 Victory Mitsubishi want from consumers?</p> <p>6 A. It depends if they are employed, a</p> <p>7 paystub, or if they are self-employed, the last</p> <p>8 three months of bank statements or their 1099s,</p> <p>9 tax returns.</p> <p>10 Q. You don't recall seeing any proof of</p> <p>11 income in the deal jacket; is that correct?</p> <p>12 Feel free to review the document.</p> <p>13 A. If it wasn't -- if it's not inside</p> <p>14 the deal jacket, that means it was probably not</p> <p>15 required -- it was not required by the</p> <p>16 financial institution in this transaction.</p> <p>17 Q. If you could go back to the text</p> <p>18 messages and look at the page Bates stamped</p> <p>19 Defendants' 43.</p> <p>20 A. Okay.</p> <p>21 Q. It says here, "As per management</p> <p>22 credit application received need 2,000 to 3,000</p> <p>23 down or co-buyer." Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. Who is the management being referred</p>
<p style="text-align: right;">Page 178</p> <p>1 S. Orsaris</p> <p>2 Q. What does the stamp on here that says</p> <p>3 posted mean?</p> <p>4 A. When the deal is costed out by</p> <p>5 accounts payable or our accounting department.</p> <p>6 Q. What does that -- I think you said</p> <p>7 costed out?</p> <p>8 A. Yes. Like the finalization of</p> <p>9 putting it into our record in terms of the</p> <p>10 purchaser, the warranty clause, costing out the</p> <p>11 sale. After everything is all said and done,</p> <p>12 cost out the sale and put it into storage.</p> <p>13 Q. If you go to what was previously</p> <p>14 marked as Exhibit 18 Bates stamped Defendants'</p> <p>15 42 through 48.</p> <p>16 A. Is that the text messages?</p> <p>17 Q. Yes.</p> <p>18 A. Got it.</p> <p>19 Q. At the bottom of the first page Bates</p> <p>20 stamped Defendants' 42, it says, "You'll be</p> <p>21 good to go. You just have to come in with</p> <p>22 proof of income, proof of address, and</p> <p>23 license."</p> <p>24 What does "You'll be good to go"</p> <p>25 mean?</p>	<p style="text-align: right;">Page 180</p> <p>1 S. Orsaris</p> <p>2 to here?</p> <p>3 A. Myself.</p> <p>4 Q. Had you reviewed the online</p> <p>5 application submitted by Mr. Laforest, or was</p> <p>6 that just based on your general rules that the</p> <p>7 text message says "as per management"?</p> <p>8 A. I reviewed.</p> <p>9 Q. Let's go to what was previously</p> <p>10 marked as Defendant's 23, Bates stamped</p> <p>11 Defendants' 92, single page.</p> <p>12 MR. GOODMAN: I am not finding a 92,</p> <p>13 single page. What is it?</p> <p>14 MS. CATHERINE: It is a credit</p> <p>15 application form, bunch of fields, first name.</p> <p>16 (Discussion off the record.)</p> <p>17 Q. If you could turn to Defendants' 92,</p> <p>18 the last page.</p> <p>19 A. Yes.</p> <p>20 Q. What is this document, the last page?</p> <p>21 A. This is a screenshot of when you are</p> <p>22 about to pull someone's credit, so you take the</p> <p>23 handwritten credit application, fill it out</p> <p>24 over here on Dealertrack.</p> <p>25 Q. So if someone logs into Dealertrack</p>

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<p style="text-align: right;">Page 181</p> <p>1 S. Orsaris</p> <p>2 to process a credit application, this would be</p> <p>3 the form they would fill in, correct?</p> <p>4 A. Yes.</p> <p>5 Q. On May 30, 2020, who at Mitsubishi</p> <p>6 could access this form?</p> <p>7 A. Myself, David Perez, and the finance</p> <p>8 managers. David Perez and myself were the ones</p> <p>9 that were running credit.</p> <p>10 Q. This form would have been used to run</p> <p>11 the credit of Mr. Laforest, correct?</p> <p>12 MR. GOODMAN: Object to form. Go</p> <p>13 ahead.</p> <p>14 A. Yes.</p> <p>15 Q. And who filled out this form for Mr.</p> <p>16 Laforest?</p> <p>17 A. Either myself or David Perez.</p> <p>18 Q. And who filled out this form for Ms.</p> <p>19 Francois?</p> <p>20 A. Either myself or David Perez.</p> <p>21 Q. Do you see the check box on this form</p> <p>22 that says "I have customer permission to pull a</p> <p>23 credit report" and so on?</p> <p>24 A. Yes.</p> <p>25 Q. Why does this form have that check</p>	<p style="text-align: right;">Page 183</p> <p>1 S. Orsaris</p> <p>2 can you access the screen on Dealertrack that</p> <p>3 lists the history of credit pulls like this</p> <p>4 screen does?</p> <p>5 MR. GOODMAN: Object to the form. Go</p> <p>6 ahead.</p> <p>7 A. I don't know.</p> <p>8 Q. Based on that response, I think I</p> <p>9 know the answer, but have you ever retrieved a</p> <p>10 screen like this for a consumer with the</p> <p>11 Dealertrack program?</p> <p>12 A. No.</p> <p>13 Q. Do you know that Dealertrack was</p> <p>14 tracking that information?</p> <p>15 A. I don't know.</p> <p>16 Q. So starting at the bottom, the first</p> <p>17 entry says "deal jacket created." Do you see</p> <p>18 that?</p> <p>19 A. Yes.</p> <p>20 Q. Next to that entry is the name D.</p> <p>21 Perez, and that refers to David Perez, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Based on that entry, and the</p> <p>24 following entries, you believe it was Mr. Perez</p> <p>25 who pulled the credit reports of Emmanuel</p>
<p style="text-align: right;">Page 182</p> <p>1 S. Orsaris</p> <p>2 box?</p> <p>3 A. Because you need to have permission</p> <p>4 to pull credit for permissible purpose.</p> <p>5 Q. What was the process for whether you</p> <p>6 could check that check box?</p> <p>7 A. A handwritten completed credit</p> <p>8 application and a conversation by David Perez</p> <p>9 or myself to make sure you were you and you</p> <p>10 were looking to purchase a vehicle, your intent</p> <p>11 to purchase a car.</p> <p>12 Q. If you could go to what was</p> <p>13 previously marked as Exhibit 26. This is Bates</p> <p>14 stamped subpoena responses 557, and is also</p> <p>15 Bates stamped DTI 49.</p> <p>16 What is this document?</p> <p>17 A. Dealer or Dealertrack history of when</p> <p>18 we ran Emmanuel Laforest's credit.</p> <p>19 Q. Prior to your preparation for this</p> <p>20 deposition today, had you seen this document?</p> <p>21 A. I can't recall.</p> <p>22 Q. Is this a document you can access</p> <p>23 from Dealertrack?</p> <p>24 A. I don't know.</p> <p>25 Q. Generally speaking, for a consumer,</p>	<p style="text-align: right;">Page 184</p> <p>1 S. Orsaris</p> <p>2 Laforest?</p> <p>3 A. Yes.</p> <p>4 Q. Because if it had been you who pulled</p> <p>5 the credit report, it would presumably say S.</p> <p>6 Orsaris, correct?</p> <p>7 A. Yes.</p> <p>8 Q. There is a time stamp here of</p> <p>9 4:38 p.m. on May 30 for the deal jacket being</p> <p>10 created. Does that seem like a likely time at</p> <p>11 which on or around that time Mr. Perez spoke</p> <p>12 with Emmanuel Laforest for the first time at</p> <p>13 the dealership?</p> <p>14 MR. GOODMAN: Object to form. If you</p> <p>15 could indulge me, I am curious about the time</p> <p>16 zone for that time, but object to form.</p> <p>17 A. I don't know.</p> <p>18 Q. Do you have any document which would</p> <p>19 show any other time for when Mr. Laforest's</p> <p>20 credit was pulled other than 4:39 p.m.?</p> <p>21 A. I do not have another document.</p> <p>22 Q. Based on this screen, would it be</p> <p>23 reasonable to presume that there is a similar</p> <p>24 screen for the pulling of Ms. Francois' credit</p> <p>25 report?</p>

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<p>Page 185</p> <p>1 S. Orsaris</p> <p>2 A. I am sure there is.</p> <p>3 Q. Well, I can represent to you that</p> <p>4 Dealertrack has not produced such a screen.</p> <p>5 Why do you think that's the case?</p> <p>6 MR. GOODMAN: Object to form. Go</p> <p>7 ahead.</p> <p>8 A. Human error. An error, maybe. I</p> <p>9 don't know. You have to ask Dealertrack.</p> <p>10 Q. Is there any other way to pull a</p> <p>11 consumer's credit report other than Dealertrack</p> <p>12 at Victory Mitsubishi?</p> <p>13 A. No.</p> <p>14 Q. Do the finance managers use any other</p> <p>15 software other than Dealertrack?</p> <p>16 A. No.</p> <p>17 Q. You will see on this document it says</p> <p>18 time stamped June 20 at 3:08 a.m., adverse</p> <p>19 action recommended. Why did it take so long</p> <p>20 for an adverse action to be recommended for Mr.</p> <p>21 Laforest?</p> <p>22 MR. GOODMAN: Object to the form.</p> <p>23 A. It is the system, Dealertrack system.</p> <p>24 It's a Dealertrack setting where it says D</p> <p>25 system.</p>	<p>Page 187</p> <p>1 S. Orsaris</p> <p>2 Q. And the 10,000 down written here,</p> <p>3 would that be how much Mr. Laforest had offered</p> <p>4 to put down, or how much he would need to put</p> <p>5 down in order to obtain financing?</p> <p>6 A. Probably what he wanted to put down.</p> <p>7 That is David Perez's handwriting. I don't</p> <p>8 know for certain.</p> <p>9 Q. What does the 3385 that I believe you</p> <p>10 said was written by Yessica Vallejo, what does</p> <p>11 that refer to?</p> <p>12 A. The stock number of the vehicle under</p> <p>13 purchase.</p> <p>14 Q. And I see also in blue ink there is a</p> <p>15 checkmark next to Nulls Whole Food. Was that</p> <p>16 also made by Yessica Vallejo?</p> <p>17 A. I can't say for sure. I don't know.</p> <p>18 Q. And what would that checkmark</p> <p>19 indicate?</p> <p>20 A. You have to ask Yessica.</p> <p>21 Q. How would you verify employment</p> <p>22 information provided in this application?</p> <p>23 MR. GOODMAN: Object to the form. Go</p> <p>24 ahead.</p> <p>25 A. During the credit application</p>
<p>Page 186</p> <p>1 S. Orsaris</p> <p>2 Q. Could you look at the exhibit</p> <p>3 previously marked as Exhibit 21, Defendants'</p> <p>4 1 through 36.</p> <p>5 A. That's the deal jacket.</p> <p>6 Q. Could you turn to Defendants' 2.</p> <p>7 This is the credit application you were</p> <p>8 referring to earlier that was filled out on</p> <p>9 May 30, correct?</p> <p>10 A. Yes.</p> <p>11 Q. And the handwritten notations above</p> <p>12 the applicant information that say 10,000 down,</p> <p>13 3095, 3385, who made those handwritten</p> <p>14 notations?</p> <p>15 A. Anything on the left-hand side it</p> <p>16 looks like David Perez's handwriting. On the</p> <p>17 right-hand side it looks like Yessica's in</p> <p>18 terms of the notations.</p> <p>19 Q. What does the 0/0 mean?</p> <p>20 A. You would have to ask David, but I</p> <p>21 presume the credit score of Emmanuel Laforest.</p> <p>22 Q. Based on that, Mr. Laforest was going</p> <p>23 to have some issues obtaining financing,</p> <p>24 correct?</p> <p>25 A. Depending on the collateral.</p>	<p>Page 188</p> <p>1 S. Orsaris</p> <p>2 process, you ask who their employer is, make</p> <p>3 sure they list it. There is a declaration on</p> <p>4 the bottom that the information that they are</p> <p>5 writing on this document is accurate. There's</p> <p>6 a signature there for Emmanuel, and for what I</p> <p>7 presume was Ms. Farah.</p> <p>8 Q. If you could go to the next page,</p> <p>9 please.</p> <p>10 A. Yes.</p> <p>11 Q. What is this document?</p> <p>12 A. The receipt.</p> <p>13 Q. The receipt for what?</p> <p>14 A. \$8,600.</p> <p>15 Q. And what was that payment for?</p> <p>16 A. That was the first collection of the</p> <p>17 deposit, the down payment.</p> <p>18 Q. When you say "the first collection,"</p> <p>19 what do you mean?</p> <p>20 A. We receipted \$8,600 initially, and</p> <p>21 there was \$400 later on. We receipted that as</p> <p>22 well.</p> <p>23 Q. You said you receipted the \$400 as</p> <p>24 well?</p> <p>25 A. I assume so.</p>

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<p style="text-align: right;">Page 189</p> <p>1 S. Orsaris</p> <p>2 Q. Has that been produced?</p> <p>3 A. No. I looked for it, couldn't find</p> <p>4 it, so it could have been human error while</p> <p>5 inputting.</p> <p>6 Q. Where would the human error be; in</p> <p>7 the receipt or the places such as the retail</p> <p>8 installment contract that lists the down</p> <p>9 payment as \$9,000?</p> <p>10 MR. GOODMAN: Object to the form. Go</p> <p>11 ahead.</p> <p>12 A. The receipt.</p> <p>13 Q. And there is a time stamp for this</p> <p>14 receipt that says May 30th, 2020, 20:04. Do</p> <p>15 you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Would that time stamp be accurate?</p> <p>18 MR. GOODMAN: Object to form.</p> <p>19 A. Yes.</p> <p>20 Q. So this down payment was receipted at</p> <p>21 about 8:04 p.m., correct?</p> <p>22 A. Yes.</p> <p>23 Q. When you said the human error would</p> <p>24 likely be in the receipt, this was a receipt</p> <p>25 prepared by you, correct?</p>	<p style="text-align: right;">Page 191</p> <p>1 S. Orsaris</p> <p>2 have been misplaced or lost or something like</p> <p>3 that?</p> <p>4 A. Yes.</p> <p>5 Q. But I seem to recall that you</p> <p>6 remembered receiving \$9,000 in a down payment.</p> <p>7 Isn't that right?</p> <p>8 MR. GOODMAN: Object to form.</p> <p>9 A. I collected the biggest portion of</p> <p>10 the down payment.</p> <p>11 Q. So your testimony isn't that you</p> <p>12 collected \$9,000, but you collected a large</p> <p>13 portion of \$9,000; is that correct?</p> <p>14 A. I don't recall being the one that</p> <p>15 collected that last \$400. It could be</p> <p>16 possible. I don't recall.</p> <p>17 Q. And you can't recall because this was</p> <p>18 over two years ago, so your memory is not going</p> <p>19 to be great?</p> <p>20 MR. GOODMAN: Object to form.</p> <p>21 A. I just don't recall.</p> <p>22 Q. Let's look at what was previously</p> <p>23 marked as Exhibit 27, Bates stamped Subpoena</p> <p>24 Responses 566, also Bates stamped DTI 58.</p> <p>25 MR. GOODMAN: 566?</p>
<p style="text-align: right;">Page 190</p> <p>1 S. Orsaris</p> <p>2 A. Yes.</p> <p>3 Q. So it was likely your error, correct?</p> <p>4 MR. GOODMAN: Objection. That</p> <p>5 mischaracterizes. Object to the form.</p> <p>6 Q. You can answer.</p> <p>7 A. I don't recall exactly what happened.</p> <p>8 My understanding, it must have been a human</p> <p>9 error. David Perez holds those receipts, and</p> <p>10 so does the finance managers.</p> <p>11 MR. GOODMAN: I think he is saying</p> <p>12 there may be another error in the --</p> <p>13 MS. CATHERINE: I understand. His</p> <p>14 testimony can speak for itself.</p> <p>15 Q. I thought you had testified that you</p> <p>16 remembered collecting the down payment and</p> <p>17 receipting it; isn't that correct?</p> <p>18 A. I collected the initial part of the</p> <p>19 down payment, and it is store policy to</p> <p>20 immediately put it inside the safe. If someone</p> <p>21 has \$400, in this case \$400 later on, be it an</p> <p>22 hour, half hour, 15 minutes, it doesn't matter.</p> <p>23 The initial portion, I receipted it.</p> <p>24 Q. I see. So you are saying someone</p> <p>25 else may have receipted the \$400, and that may</p>	<p style="text-align: right;">Page 192</p> <p>1 S. Orsaris</p> <p>2 MS. CATHERINE: Subpoena Responses</p> <p>3 566, single page.</p> <p>4 Q. What is this document?</p> <p>5 A. Similar document to what we just went</p> <p>6 over a few minutes ago for Jami Singer.</p> <p>7 Q. Who is Jami Singer?</p> <p>8 A. I don't know.</p> <p>9 Q. Let's turn to Exhibit 25 Bates</p> <p>10 stamped Defendants' 70 through 72, the iPhone</p> <p>11 screenshots.</p> <p>12 A. I have it.</p> <p>13 Q. When were these screenshots made?</p> <p>14 A. Around the beginning when we were</p> <p>15 requested to produce documentation at some</p> <p>16 point early on.</p> <p>17 Q. And they were made with the phone</p> <p>18 that you had in September of 2020; is that</p> <p>19 correct?</p> <p>20 A. That is not correct. My current</p> <p>21 phone, I save every text message ever sent.</p> <p>22 Q. So the text messages from your old</p> <p>23 phone were imported into your new phone; is</p> <p>24 that right?</p> <p>25 A. All text messages are saved in</p>

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<p style="text-align: right;">Page 193</p> <p>1 S. Orsaris</p> <p>2 iCloud, so I don't use the terminology</p> <p>3 transported over. I save it in iCloud, the</p> <p>4 date I received the text messages.</p> <p>5 Q. Do you see the driver's license here?</p> <p>6 A. Yes.</p> <p>7 Q. Do you see it is the driver's license</p> <p>8 of someone named Jami Singer?</p> <p>9 A. Yes.</p> <p>10 Q. Why was Mr. Laforest texting you a</p> <p>11 picture of the driver's license and Social</p> <p>12 Security number of Jami Singer?</p> <p>13 A. After my first conversation with him,</p> <p>14 he told me what happened, and then he requested</p> <p>15 to move the loan over to her name.</p> <p>16 Q. Let's go back to the document we</p> <p>17 were just looking at, the one Bates stamped</p> <p>18 subpoena responses 566.</p> <p>19 A. Okay.</p> <p>20 Q. And so this document indicates that</p> <p>21 Ms. Singer's credit was run on May 30th,</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. And it was run by Yessica Vallejo,</p> <p>25 correct?</p>	<p style="text-align: right;">Page 195</p> <p>1 S. Orsaris</p> <p>2 A. I don't know.</p> <p>3 Q. Prior to preparation for your</p> <p>4 deposition today, were you aware that Ms.</p> <p>5 Vallejo had run the credit of Ms. Singer on</p> <p>6 May 30, 2020?</p> <p>7 A. I was not -- I don't know.</p> <p>8 Q. And you said that you recalled two</p> <p>9 people coming into the dealership, correct?</p> <p>10 A. We ran Jami Singer's credit. That</p> <p>11 means she was present inside the building.</p> <p>12 MS. CATHERINE: Strike the</p> <p>13 nonresponsive answer to the question.</p> <p>14 Q. Did you previously testify that you</p> <p>15 remember two people coming into the dealership,</p> <p>16 Emmanuel Laforest and someone who you assumed</p> <p>17 was Farah Jean Francois?</p> <p>18 A. Keep the same answer. If the credit</p> <p>19 was run, she was in the building.</p> <p>20 MS. CATHERINE: Can you please</p> <p>21 instruct your witness to answer the question?</p> <p>22 MR. GOODMAN: No, I won't do that,</p> <p>23 but I will ask him to listen to --</p> <p>24 MS. CATHERINE: Please read back the</p> <p>25 question.</p>
<p style="text-align: right;">Page 194</p> <p>1 S. Orsaris</p> <p>2 A. Yes.</p> <p>3 Q. I thought you said that only you or</p> <p>4 David Perez would be running consumer's credit</p> <p>5 reports?</p> <p>6 MR. GOODMAN: Object to the form.</p> <p>7 Mischaracterizes his testimony. You can</p> <p>8 answer.</p> <p>9 A. Definite mischaracterization. I did</p> <p>10 state very early that finance managers do have</p> <p>11 the appropriate training to run credit.</p> <p>12 Q. But I think you said something along</p> <p>13 the lines of you were certain that on May 30th,</p> <p>14 the only people who would be running consumers'</p> <p>15 credit reports would be you and Mr. Perez.</p> <p>16 Isn't that correct?</p> <p>17 MR. GOODMAN: Object to form.</p> <p>18 A. 99 percent the credit was ran by me</p> <p>19 or David. Again, I said very early on, all of</p> <p>20 my finance managers have the appropriate</p> <p>21 training to run credit.</p> <p>22 Q. Why would Ms. Vallejo run the credit</p> <p>23 in this case if normally it would be you or Mr.</p> <p>24 Perez?</p> <p>25 MR. GOODMAN: Object to form.</p>	<p style="text-align: right;">Page 196</p> <p>1 S. Orsaris</p> <p>2 (Record read.)</p> <p>3 A. I testified that I remember them</p> <p>4 inside the office, two people inside of the</p> <p>5 office when I collected the down payment.</p> <p>6 Q. Okay, great. Not three people?</p> <p>7 A. Inside of the office discussing the</p> <p>8 transaction, it was two people.</p> <p>9 Q. Since Jami Singer's credit was run by</p> <p>10 Ms. Vallejo, there should be a credit</p> <p>11 application for her, correct?</p> <p>12 MR. GOODMAN: Object to the form. Go</p> <p>13 ahead.</p> <p>14 A. If she did not purchase a car, we did</p> <p>15 not create a deal jacket, and we did not store</p> <p>16 her credit application.</p> <p>17 Q. Sorry. What was the end of your</p> <p>18 answer?</p> <p>19 A. We did not create a deal jacket, and</p> <p>20 therefore we did not store any credit</p> <p>21 application. It doesn't even say here that we</p> <p>22 submitted her to a lender.</p> <p>23 Q. Would you have any records regarding</p> <p>24 Ms. Singer such as in Dealertrack?</p> <p>25 MR. GOODMAN: Object to form. Go</p>

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<p>Page 197</p> <p>1 S. Orsaris</p> <p>2 ahead.</p> <p>3 A. I don't know.</p> <p>4 MS. CATERINE: Call for the</p> <p>5 production of all records in Victory</p> <p>6 Mitsubishi's possession, custody or control</p> <p>7 regarding Jami Singer.</p> <p>8 MR. GOODMAN: Take it under</p> <p>9 advisement.</p> <p>10 Q. Do you ever ask the consumer if they</p> <p>11 can get a co-applicant?</p> <p>12 MR. GOODMAN: Object to the form. Go</p> <p>13 ahead.</p> <p>14 A. Yes.</p> <p>15 Q. Did you ask Mr. Laforest if he could</p> <p>16 get a co-applicant?</p> <p>17 A. Either myself or David Perez did. I</p> <p>18 don't recall which one of us did.</p> <p>19 Q. And you determined that Jami Singer</p> <p>20 was not a suitable co-applicant, correct?</p> <p>21 MR. GOODMAN: Object to the form.</p> <p>22 Mischaracterizes.</p> <p>23 Q. Mr. Laforest wanted Jami Singer to be</p> <p>24 a co-applicant, correct?</p> <p>25 MR. GOODMAN: Object to the form.</p>	<p>Page 199</p> <p>1 S. Orsaris</p> <p>2 A. In order for us to run credit at</p> <p>3 Victory Mitsubishi, you have to fill out a</p> <p>4 credit application.</p> <p>5 Q. So Ms. Singer did fill out a credit</p> <p>6 application?</p> <p>7 A. I would presume so. I ran her</p> <p>8 credit, it seems, or someone in my building</p> <p>9 when I say "I" ran her credit.</p> <p>10 Q. And you don't know if she filled out</p> <p>11 that application with a co-applicant, correct?</p> <p>12 A. I can't say for certain.</p> <p>13 MR. GOODMAN: Emma, we are about to</p> <p>14 hit 5:00 o'clock, which is seven hours. If we</p> <p>15 add half an hour for lunch --</p> <p>16 MS. CATERINE: Off the record,</p> <p>17 please.</p> <p>18 (A recess was taken.)</p> <p>19 Q. Let's take a look at an exhibit which</p> <p>20 I am having marked as Exhibit 29. This was not</p> <p>21 previously marked. It is Bates stamped</p> <p>22 Subpoena Responses 515 through Subpoena</p> <p>23 Responses 533.</p> <p>24 (Subpoena Responses 515 through</p> <p>25 Subpoena Responses 533 marked Exhibit 29.)</p>
<p>Page 198</p> <p>1 S. Orsaris</p> <p>2 A. To my knowledge, he wanted his</p> <p>3 sister-in-law to be the co-applicant.</p> <p>4 Q. And that is based on the credit</p> <p>5 application, correct?</p> <p>6 A. That's what he told me in September.</p> <p>7 Q. Let me ask you, if Mr. Laforest</p> <p>8 applied for credit with Ms. Singer and then</p> <p>9 applied for credit with Ms. Francois and then</p> <p>10 obtained the vehicle, would the credit</p> <p>11 application with Ms. Singer as the co-applicant</p> <p>12 be retained?</p> <p>13 MR. GOODMAN: Objection to the form.</p> <p>14 Go ahead.</p> <p>15 A. There was no application submitted</p> <p>16 with Ms. Jami Singer being an applicant or</p> <p>17 co-applicant. There was credit pulled, as you</p> <p>18 can see from this document, but there was no</p> <p>19 submission.</p> <p>20 Q. So why was her credit pulled?</p> <p>21 A. I can't recall.</p> <p>22 Q. What reason would there be for credit</p> <p>23 to be pulled at Victory Mitsubishi if a</p> <p>24 consumer had not filled out a credit</p> <p>25 application?</p>	<p>Page 200</p> <p>1 S. Orsaris</p> <p>2 Q. Mr. Orsaris, what is this document?</p> <p>3 A. The first one?</p> <p>4 MR. GOODMAN: The whole thing.</p> <p>5 A. Submissions under her name, Ms. Farah</p> <p>6 Francois' name.</p> <p>7 Q. What is the first page of the</p> <p>8 document?</p> <p>9 A. An approval from Capital One Auto</p> <p>10 Finance in Ms. Farah Jean Francois' name.</p> <p>11 Q. And do you see the row where it says</p> <p>12 approval date and it gives the approval date as</p> <p>13 May 30, 2020, 3:59 p.m.?</p> <p>14 A. Yes.</p> <p>15 Q. Do you remember the document we</p> <p>16 looked at before where it showed Mr. Laforest's</p> <p>17 credit being run at 4:38 p.m.?</p> <p>18 A. You have to make sure it is on the</p> <p>19 record that these time stamps are questionable</p> <p>20 in the sense of time zones.</p> <p>21 Q. We can discuss that in a second, but</p> <p>22 do you recall the document that shows</p> <p>23 4:38 p.m.?</p> <p>24 A. Sure, yes.</p> <p>25 Q. So your explanation for why this</p>

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1 S. Orsaris

2 approval comes before Mr. Laforest's credit was

3 run is time zone difference; is that right?

4 MR. GOODMAN: Object to form. Go

5 ahead.

6 A. I think there is clear indication in

7 Dealertrack that the time stamps are inaccurate

8 if you look at the credit pulls. It even says

9 extremely late times, which is just inaccurate.

10 The time stamps are not accurate.

11 Q. What do you mean? I'm sorry. Could

12 you --

13 A. These time stamps throughout the

14 various documents that Dealertrack gave in the

15 subpoena are not accurate. They are all over

16 the place.

17 Q. What do you mean they are all over

18 the place?

19 A. They are at different times.

20 Q. What about them being at different

21 times shows that they are inaccurate?

22 A. It later states that they ran Farah

23 Jean Francois' credit very late that night or

24 something like that, and that's just not true.

25 Q. Can you point to where in the

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1 S. Orsaris

2 documents it shows that?

3 A. In her credit report, Defendants' 37,

4 it says that her credit pull time was at

5 8:55 p.m., which is after this document that

6 you just asked me to pull, and that credit

7 inquiry would have been here, and it is not, so

8 Dealertrack is having a time issue with the

9 time stamps, and I would like to put that on

10 the record.

11 Q. Hold on. We are going to get to

12 that. So you are referring to the document

13 Bates stamped Defendants' 37 which was

14 previously marked Exhibit 22, Defendants' 37

15 through 40. Where on this page does it show

16 the time that the credit report was pulled?

17 A. Defendants' 38 has the time. I

18 apologize.

19 Q. That's okay. So you are referring to

20 the time stamp on bureau pull date, and it says

21 May 30, 2020, 8:55 p.m. That's what you are

22 referring to, correct?

23 A. Yes.

24 Q. And you said Dealertrack, correct?

25 A. This is all Dealertrack, yes.

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1 S. Orsaris

2 Q. This Experian credit report is from

3 Dealertrack, correct?

4 A. Yes.

5 Q. Why do you think this time is

6 inaccurate?

7 A. It would show the pulls or

8 submissions that were in Subpoena Response 515.

9 It clearly says in Subpoena Response 515

10 3:59 p.m., and if I pulled the credit

11 afterwards, it would have been listed as a

12 credit inquiry, and it's not, so there is a

13 clear indication that the time stamps are not

14 reliable in Dealertrack software.

15 Q. Hold on. You are going to have to go

16 a little bit slower for me. What is step one

17 here?

18 A. On subpoena response 515, you see on

19 5/30/2020 at 3:59 p.m., we submitted the loan

20 application to Capital One.

21 Q. Yes.

22 MR. GOODMAN: Let her -- go ahead.

23 A. On Defendant's 38 on her credit

24 report, it says that we pulled it at 8:55 p.m.

25 Then if the time stamps on

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1 S. Orsaris

2 Dealertrack software are correct, the credit

3 inquiry on Capital One Auto Finance would have

4 shown on the inquiry section of Defendants'

5 37.

6 Q. Interesting. So a possible

7 explanation for the time difference was

8 different time zone, correct?

9 MR. GOODMAN: That's kind of

10 something I said.

11 A. I use the word time zone, but I

12 really don't know why that is, but I would

13 really like to state if I ran the credit at

14 eight p.m., it would have shown in submissions

15 that you see throughout the subpoena response

16 515, 553 and everything else.

17 Q. Unless her credit report was pulled

18 more than once, correct?

19 A. If I had pulled it at 8:55 p.m., it

20 would have shown the inquiries.

21 Q. Sure, but it could have been pulled

22 earlier, correct?

23 A. It was definitely pulled before.

24 Q. Sure. That credit report was pulled

25 at 8:55 p.m., at least according to the Bates

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<p style="text-align: right;">Page 205</p> <p>1 S. Orsaris</p> <p>2 stamp, but a credit report would have been</p> <p>3 pulled earlier than that, correct?</p> <p>4 A. No. It would list Victory Mitsubishi</p> <p>5 as a credit inquiry.</p> <p>6 Q. What would list Victory Mitsubishi as</p> <p>7 a credit inquiry?</p> <p>8 A. On Defendants' 37, if I pulled her</p> <p>9 credit multiple times, which there is</p> <p>10 absolutely no reason to ever do that, it would</p> <p>11 list Victory Mitsubishi as a credit inquiry.</p> <p>12 Q. You mean like it does on Defendants'</p> <p>13 39?</p> <p>14 A. Yes. So the TransUnion will show it.</p> <p>15 The TransUnion shows it. The TransUnion gives</p> <p>16 an in-time report.</p> <p>17 Again, if I ran the bureaus multiple</p> <p>18 times, I would have seen on the TransUnion --</p> <p>19 I see where you are going -- on the TransUnion</p> <p>20 it would have shown all the submissions on</p> <p>21 Subpoena Responses 515 all the way over. This</p> <p>22 report was not pulled multiple times. I want</p> <p>23 to make sure you are clear.</p> <p>24 MS. CATHERINE: I am going to mark</p> <p>25 another exhibit as Exhibit 30. This is Bates</p>	<p style="text-align: right;">Page 207</p> <p>1 S. Orsaris</p> <p>2 correct?</p> <p>3 A. Dealertrack provided this document.</p> <p>4 I don't know if this is proprietary Dealertrack</p> <p>5 software or an outsourced software to run.</p> <p>6 Q. That's fine. Going back to the</p> <p>7 credit application filled out in May, the phone</p> <p>8 number was the same for both Mr. Laforest and</p> <p>9 Ms. Francois. Why was that?</p> <p>10 MR. GOODMAN: You are talking about</p> <p>11 this subpoena --</p> <p>12 MS. CATHERINE: This would be</p> <p>13 Defendant's 2 from the deal jacket.</p> <p>14 A. I don't know why that phone number is</p> <p>15 listed there.</p> <p>16 Q. If you see co-applicants who have the</p> <p>17 same phone number, are you going to ask them</p> <p>18 about that?</p> <p>19 A. The box says home phone number, and</p> <p>20 they have the same address as well. I didn't</p> <p>21 have any reason to specifically ask them for a</p> <p>22 cell phone number, and they have the same</p> <p>23 address for about seven years and five months.</p> <p>24 Q. When Mr. Laforest returned to the</p> <p>25 dealership for the re-signing, another credit</p>
<p style="text-align: right;">Page 206</p> <p>1 S. Orsaris</p> <p>2 stamped Subpoena Responses 513. This one is a</p> <p>3 single page. I double checked. It really is a</p> <p>4 single page.</p> <p>5 (Subpoena Responses 513 marked</p> <p>6 Defendants' Exhibit 30.)</p> <p>7 A. Yes, I have this.</p> <p>8 Q. What is this document?</p> <p>9 A. Dealertrack has software to help make</p> <p>10 sure that the person that is in front of you is</p> <p>11 really them.</p> <p>12 Q. I think I recall seeing a check box</p> <p>13 for red flag/OFAC on that credit report form</p> <p>14 that we looked at earlier; is that correct?</p> <p>15 A. Yes. It's not a clickable thing,</p> <p>16 though. It is automatically clicked.</p> <p>17 Q. I thought that was the case. And do</p> <p>18 you see the time stamp here of May 30, 2020,</p> <p>19 16:55:48?</p> <p>20 A. Yes.</p> <p>21 Q. And do you think that time stamp is</p> <p>22 inaccurate?</p> <p>23 A. I don't know. I don't recall the</p> <p>24 time that we worked this transaction.</p> <p>25 Q. And this is a Dealertrack document,</p>	<p style="text-align: right;">Page 208</p> <p>1 S. Orsaris</p> <p>2 application was done, correct?</p> <p>3 A. Another handwritten credit</p> <p>4 application?</p> <p>5 Q. No. Just another credit application.</p> <p>6 MR. GOODMAN: Object to the form. Go</p> <p>7 ahead.</p> <p>8 A. The initial credit application is</p> <p>9 stored and can be reused.</p> <p>10 Q. Could you take a look at what was</p> <p>11 previously marked as Exhibit 21, Bates stamped</p> <p>12 Defendants' 19 through 21.</p> <p>13 MR. GOODMAN: Where is it?</p> <p>14 MS. CATHERINE: It is in the deal</p> <p>15 jacket.</p> <p>16 Q. What is this document?</p> <p>17 A. Printout of a document submitted, the</p> <p>18 credit application form that was used.</p> <p>19 Q. Why was this credit application used</p> <p>20 when you said the May credit application was</p> <p>21 stored and could have been used again?</p> <p>22 A. This is definitively -- this is the</p> <p>23 same credit application.</p> <p>24 Q. It is?</p> <p>25 A. I am confused where you are going.</p>

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<p style="text-align: right;">Page 209</p> <p>1 S. Orsaris</p> <p>2 Can you rephrase the question?</p> <p>3 Q. If this is the same credit</p> <p>4 application, why does it say time at address</p> <p>5 ten years rather than as you previously read</p> <p>6 seven years?</p> <p>7 A. I don't know, but that does not have</p> <p>8 any meaningful difference to Capital One, so I</p> <p>9 wouldn't know why it would be different.</p> <p>10 Q. Why is the employment information</p> <p>11 different in this application than on the May</p> <p>12 application?</p> <p>13 A. What's different?</p> <p>14 Q. You do not see anything different?</p> <p>15 A. Are you referring to the salary?</p> <p>16 Q. I am.</p> <p>17 A. If I am not mistaken, the after-tax</p> <p>18 amounts were listed as the gross income on the</p> <p>19 handwritten credit application. Lenders want</p> <p>20 to look at the gross income before any taxes,</p> <p>21 deductions; not the after-tax amount.</p> <p>22 Q. So that is a gross income on the May</p> <p>23 application, and then in this application, it's</p> <p>24 the pre-tax income.</p> <p>25 A. I think May was post-tax income, this</p>	<p style="text-align: right;">Page 211</p> <p>1 S. Orsaris</p> <p>2 Q. Why was it -- were you finished?</p> <p>3 A. I think it is important to put on the</p> <p>4 record, usually that means they are making some</p> <p>5 sort of internal notation that the person may</p> <p>6 be working there. That's why they didn't ask</p> <p>7 us for any income documentation.</p> <p>8 MR. GOODMAN: What did you just say?</p> <p>9 THE WITNESS: Lenders have tools to</p> <p>10 determine the -- know whose people's employers</p> <p>11 are, or potentially.</p> <p>12 Q. Why wasn't Emmanuel Laforest a</p> <p>13 co-applicant on this application?</p> <p>14 MR. GOODMAN: You are looking at</p> <p>15 Defendants' 19, right?</p> <p>16 MS. CATERINE: Yes.</p> <p>17 A. Emmanuel Laforest is not listed as a</p> <p>18 co-applicant at the request -- I would imagine</p> <p>19 it would have been at the request of both</p> <p>20 parties, both folks that were there that day.</p> <p>21 Emmanuel Laforest, and who would I presume is</p> <p>22 Farah Jean Francois, or an impersonator of</p> <p>23 Farah Jean Francois.</p> <p>24 Q. Isn't that strange, that they would</p> <p>25 have submitted an application together, and</p>
<p style="text-align: right;">Page 210</p> <p>1 S. Orsaris</p> <p>2 is pre-tax income. Lenders want to work with</p> <p>3 the pre-tax income.</p> <p>4 Q. There is a work phone number listed</p> <p>5 here. Where did that information come from?</p> <p>6 It's not in the May application.</p> <p>7 A. If there is anything missing, the</p> <p>8 finance team at Victory Mitsubishi posed to the</p> <p>9 customer and asked them what is -- whatever is</p> <p>10 missing.</p> <p>11 So I would presume that Yessica left</p> <p>12 her office and went to Farah Jean In May and</p> <p>13 asked her what the work phone number is, and</p> <p>14 maybe she asked to confirm the credit</p> <p>15 information prior to submitting it.</p> <p>16 Q. Did Victory Mitsubishi call this work</p> <p>17 phone number to confirm Ms. Francois'</p> <p>18 employment?</p> <p>19 A. No.</p> <p>20 Q. How do you know that?</p> <p>21 A. It would probably be indicated</p> <p>22 somewhere if they did. In this transaction,</p> <p>23 there was no requirement by Capital One for us</p> <p>24 to produce or ask the customer to produce</p> <p>25 income documentation.</p>	<p style="text-align: right;">Page 212</p> <p>1 S. Orsaris</p> <p>2 then Mr. Laforest would request to not be on</p> <p>3 the vehicle?</p> <p>4 A. I did not say it was just Emmanuel</p> <p>5 Laforest. It could have been Ms. Farah</p> <p>6 Francois. They may have potentially asked "Can</p> <p>7 I have the lowest possible payment," and they</p> <p>8 live together.</p> <p>9 Q. Can you turn to Defendants' 9 in</p> <p>10 Exhibit 21.</p> <p>11 A. Okay.</p> <p>12 Q. The signatures for Victory Mitsubishi</p> <p>13 here, whose signatures are those?</p> <p>14 A. To the left is Yessica Vallejo, and</p> <p>15 the biller at the time.</p> <p>16 Q. The biller, you said?</p> <p>17 A. The person that prepared the</p> <p>18 registration paperwork.</p> <p>19 Q. And what was that person's name?</p> <p>20 A. Based off these signatures, I don't</p> <p>21 know.</p> <p>22 Q. Do you see the dates written in here</p> <p>23 6/29/20?</p> <p>24 A. Yes.</p> <p>25 Q. Those appear to be in the same</p>

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1 S. Orsaris
2 handwriting, correct?
3 MR. GOODMAN: Object to form. Same
4 as what?
5 A. I'm sorry. What was the question?
6 Q. The two writings of 6/29/20 appear to
7 be in the same handwriting, correct?
8 MR. GOODMAN: Object to the form. Go
9 ahead.
10 A. I guess so.
11 Q. Can you turn to Defendants' 13,
12 please. What is this document?
13 A. The warranty contract.
14 Q. And who filled this out?
15 A. Yessica Vallejo.
16 Q. And the email address listed for Ms.
17 Francois here is francois@gmail.com. That's
18 not Ms. Francois' email address, correct?
19 A. I don't know.
20 Q. Did Victory Mitsubishi try emailing
21 that email address?
22 A. No.
23 Q. I would take you to take a look at
24 what I am marking as Exhibit 31, Bates stamped
25 Francois 3906 to 3907.

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1 S. Orsaris
2 (Document Bates 3906 - 3097 marked
3 Defendants' Exhibit 31.)
4 Q. Are you familiar with this website,
5 email-checker.net?
6 A. No.
7 Q. Does Victory Mitsubishi verify emails
8 provided by consumers?
9 A. They can verify with the consumer,
10 but we don't verify with a tool like that.
11 Q. Who at Victory Mitsubishi made up
12 this fake email address?
13 MR. GOODMAN: Object to the form.
14 That's crazy. Objection.
15 Q. Go ahead and answer the question.
16 A. It is our process to ask the customer
17 what is your email address, and we put down
18 whatever is provided by the customer, in this
19 case what we presume is Farah Jean Francois, or
20 whoever was impersonating Farah Jean Francois
21 gave us that email.
22 Q. Why was it a different email address
23 that was previously provided to you such as in
24 the May credit application? I might be
25 mistaken. Maybe it wasn't given in the May

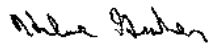
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1 S. Orsaris
2 credit application.
3 A. I don't see an email in the May
4 credit application.
5 Q. Turn, if you could, please, to
6 Defendants' 10. Do you see the email address
7 listed here Alpo0220@gmail.com?
8 A. Yes.
9 Q. I believe you previously testified
10 that you recognize this email address as the
11 email address affiliated with the transaction,
12 correct?
13 MR. GOODMAN: Object to form.
14 A. That is the email address that was
15 given when we were completing this document.
16 Q. Again, why is there a different email
17 address on the service contract, the
18 Francois@gmail.com email address?
19 A. You would have to ask Emmanuel
20 Laforest and you can ask Farah Jean Francois,
21 but I don't know why they would provide me with
22 two different email addresses.
23 MR. GOODMAN: You have three minutes
24 to go.
25 MR. KESHAVERZ: Can we go off the

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1 S. Orsaris
2 record for a quick second, please?
3 (Discussion off the record.)
4 Q. Mr. Orsaris, you said Verizon was
5 your cell phone provider, correct?
6 A. Yes.
7 Q. Was Chris Orsaris in the office when
8 Ms. Francois spoke with you in September 2020?
9 MR. GOODMAN: Object to form. Go
10 ahead.
11 A. No.
12 Q. Do any father and son work at the
13 dealership?
14 MR. GOODMAN: Object to form. Go
15 ahead.
16 A. No.
17 Q. You mentioned a CARFAX report, and I
18 didn't see one in the deal jacket. Was a
19 CARFAX report produced?
20 A. We have an account with CARFAX. It's
21 producible at any time. I don't know if it was
22 produced at that time.
23 MS. CATHERINE: We call for the
24 production of any CARFAX report to the extent
25 that it exists.

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<p>1 S. Orsaris</p> <p>2 MR. GOODMAN: Take it under</p> <p>3 advisement.</p> <p>4 Q. And you said employees from Victory</p> <p>5 Auto Group to Victory Mitsubishi, but</p> <p>6 operations did not move from Victory Auto Group</p> <p>7 to Victory Mitsubishi. What did you mean by</p> <p>8 that?</p> <p>9 MR. GOODMAN: Object to the form.</p> <p>10 Mischaracterizes. Go ahead.</p> <p>11 A. A new car dealership versus a premier</p> <p>12 dealership are two different operations. We</p> <p>13 became a new car franchise, so of course</p> <p>14 operations ceased.</p> <p>15 Q. Any other change besides that?</p> <p>16 MR. GOODMAN: Object to the form.</p> <p>17 A. Installation of Mitsubishi as a</p> <p>18 franchise. Of course a lot of changes, but</p> <p>19 when Mitsubishi signs up, Mitsubishi is around.</p> <p>20 Q. So Diane did not have a Mitsubishi</p> <p>21 franchise prior to Victory Mitsubishi; is that</p> <p>22 correct?</p> <p>23 MR. GOODMAN: Object to the form.</p> <p>24 A. I don't know the structure of</p> <p>25 Larchmont Mitsubishi, so I don't know.</p>	<p>1</p> <p>2 INDEX TO TESTIMONY</p> <p>3 WITNESS BY PAGE</p> <p>4 Stavros Orsaris Ms. Catherine 4</p> <p>5</p> <p>6 INDEX TO EXHIBITS</p> <p>7 DEFENDANTS' DESCRIPTION PAGE</p> <p>8 Exhibit 28 Subpoena responses 463 to 484 97</p> <p>9 Exhibit 29 Subpoena Responses 515 to 533 199</p> <p>10 Exhibit 30 Subpoena Responses 513 206</p> <p>11 Exhibit 31 Document Bates 3906 - 3097 214</p> <p>12</p> <p>13 DOCUMENTS AND INFORMATION REQUESTS</p> <p>14 DESCRIPTION PAGE</p> <p>15 Records re: dates of calls related to case 15</p> <p>16 Customer profiles on DealerSocket of 111</p> <p>17 Emmanuel Laforest, Farah Jean Francois,</p> <p>18 Jami Singer, and any other customer profiles</p> <p>19 related to the sale of the vehicle</p> <p>20</p> <p>21 Production of entire overview from 134</p> <p>22 DealerSocket</p> <p>23 Phone records showing phone calls in 169</p> <p>24 September of 2020 for Mr. Orsaris' personal</p> <p>25 cell phone</p> <p>Picture or documents sufficient to show the 172</p> <p>vehicle in the lot</p> <p>23</p> <p>All records in Victory Mitsubishi's 197</p> <p>24 possession, custody or control regarding</p> <p>25 Jami Singer</p>
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<p>1 S. Orsaris</p> <p>2 Q. But Victory Auto Group was not a</p> <p>3 Victory Mitsubishi franchise; is that correct?</p> <p>4 A. No.</p> <p>5 MR. GOODMAN: No, that is not</p> <p>6 correct?</p> <p>7 THE WITNESS: No, that is not</p> <p>8 correct.</p> <p>9 Victory Auto Group is not a</p> <p>10 Mitsubishi franchise.</p> <p>11 MR. GOODMAN: You are over time now,</p> <p>12 and I would not be difficult now if Ahmad had</p> <p>13 not done what he did yesterday.</p> <p>14 We are not ordering the transcript.</p> <p>15 (Time noted: 5:42 p.m.)</p> <p>16</p> <p>17 Subscribed to and sworn _____</p> <p>18 To before me this Stavros Orsaris</p> <p>19 ____ day of _____, 20 ____.</p> <p>20</p> <p>21 _____</p> <p>22 Notary Public</p> <p>23</p> <p>24</p> <p>25</p>	<p>1</p> <p>2 CERTIFICATION</p> <p>3 I, HELENE GRUBER, a New York State</p> <p>4 certified shorthand reporter, hereby certify that</p> <p>5 the foregoing transcript is a</p> <p>6 complete, true and accurate transcript in the</p> <p>7 matter of Francois v. Victory Auto Group et al</p> <p>8 held on November 23, 2022.</p> <p>9 I further certify that this</p> <p>10 proceeding was reported by me and that the</p> <p>11 foregoing transcript was prepared under my</p> <p>12 direction.</p> <p>13</p> <p>14</p> <p>15</p> <p>16 Date: December 3, 2022</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22 </p> <p>23 _____</p> <p>24 HELENE GRUBER</p> <p>25</p>

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1
 2 Our Assignment No. J8893716
 3 Case Caption: Francois
 4 vs. Victory Auto Group et al
 5 DECLARATION UNDER PENALTY OF PERJURY
 6 I declare under penalty of perjury
 7 that I have read the entire transcript of
 8 my Deposition taken in the captioned matter
 9 or the same has been read to me, and
 10 the same is true and accurate, save and
 11 except for changes and/or corrections, if
 12 any, as indicated by me on the DEPOSITION
 13 ERRATA SHEET hereof, with the understanding
 14 that I offer these changes as if still under
 15 oath.
 16 _____
 17 Stavros Orsaris
 18 Subscribed and sworn to on the _____ day of
 19 _____, 20____ before me,
 20 _____
 21 _____
 22 Notary Public,
 23 in and for the State of _____
 24
 25

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1
 2 DEPOSITION ERRATA SHEET
 3 Page No.____Line No.____Change to:_____
 4 _____
 5 Reason for change:_____
 6 Page No.____Line No.____Change to:_____
 7 _____
 8 Reason for change:_____
 9 Page No.____Line No.____Change to:_____
 10 _____
 11 Reason for change:_____
 12 Page No.____Line No.____Change to:_____
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 16 Reason for change:_____
 17 Page No.____Line No.____Change to:_____
 18 _____
 19 Reason for change:_____
 20 _____
 21 _____
 22 SIGNATURE:_____DATE:_____
 23 Stavros Orsaris
 24
 25

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1
 2 DEPOSITION ERRATA SHEET
 3 Page No.____Line No.____Change to:_____
 4 _____
 5 Reason for change:_____
 6 Page No.____Line No.____Change to:_____
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 8 Reason for change:_____
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 23 Stavros Orsaris
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 25